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ABSTRACT

The contributors to the panel discussion reported here are divided on whether the Brown decision was an attack on racial separation or an affirmation of parents' right to choose which schools their children attend. Nor do they agree on the role social science research has played in school desegregation litigation. Some contributors claim that the Brown decision has been fully implemented, since there are no longer any laws requiring or permitting segregation on grounds of race. Others, however, point to the delaying tactics used by many school districts to prevent immediate implementation of desegregation plans. Harmful effects of the Brown decision are also identified: attention and resources were diverted away from upgrading the quality of black schools; and desegregation orders have promoted white flight from central cities. The contributors are also divided on the effect of desegregation policies on the scholastic achievement of black children. Segregation of Hispanics is another problem addressed. Value priorities identified with respect to the contemporary meaning of the Brown decision include (1) anticoercion; (2) more equitable resource allocations; (3) desegregation; and (4) cultural preservation. Two major policy directions are suggested by the contributors: metropolitanwide school desegregation and improving schools where they are. (Author/MC)

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PREJUDICE AND PRIDE:
The *Brown* Decision
After Twenty-Five Years
May 17, 1954 - May 17, 1979

Report from the
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Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive children of the minority group of equal educational opportunities? We believe it does.

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

— Chief Justice Earl Warren,
Brown v. Board of Education,
May 17, 1954

TABLE OF CONTENTS

		PAGE
Preface		1
Chapter I:	What did *Brown* actually say, and in what context?	3
	— *Brown* as an attack on racial separateness — The argument of "choice" — The role of social science research	
Chapter II:	To what extent has *Brown* been implemented? What have been the effects to date?	9
	— The argument of "full implementation" — The glass is far more than half empty — The "harmful" effects of *Brown* (1) Diverting attention from the quality of black schools (2) "White Flight" — Black achievement — *Brown* and Hispanics	
Chapter III:	*What disparate positions are held about Brown's* contemporary meaning and relevance by those concerned with achieving social justice?	21
	— Anti-coercion — More equitable resource allocations — Desegregation — Cultural preservation	
Chapter IV:	What are the policy options ahead in implementing the spirit of *Brown*?	23
	— The sociological realities — Metropolitan school desegregation — Desegregation of medium sized towns — Improve schools where they are — Other policy fronts — Possible consensual policy directions for public authorities — The moral imperative	
Selected Bibliography		35

PREFACE

A quarter of a century after the handing down of the Supreme Court decision in Brown v. Board of Education,[1] *the leading academic scholars, civil rights practitioners, and lawyers invited to serve as Panel Contributors to this Report from the National Academy of Education find themselves deeply divided over the historical reality, the contemporary meaning, and the future portent of that luminous Constitutional lodestar.*

For those in our nation impatient with America's reluctant movement toward real social justice, who share with James Baldwin the sense that whatever the evidence of progress "nothing has changed at the depths," differences among thoughtful, humane, and expert minds is sobering and disconcerting. Division is often the mother of political impotence. But it is also the essence of democracy. In any case, it cannot be wished away, and ultimately no good can be served by pretending that informed men and women of intelligence and goodwill agree when in truth they do not.

There may be some reassurance in the fact that all the Panel Contributors are deeply troubled by the evidence of continuing prejudice and discrimination in the United States. All take retrospective pride in the Supreme Court's ruling in the Brown *case. All believe that there are no easy or simple solutions to existing patterns of segregation. Most believe that only a many-pronged attack involving continuing pressure for desegregation, improving schools where they are, experiments in voluntary integration, and changes in housing and employment policies can make a serious dent on existing manifestations of prejudice in our society. But Panel Contributors differ fundamentally over which of these policy salients should take priority, and which is most fundamentally attuned to the spirit of* Brown. *Splits within the Panel have not followed racial or ethnic lines. They represent diverse, deeply held value priorities based in part on divergent perceptions not only on how far we have come but of what is desirable and possible in the future.*

Since differences among the Contributors are in part refracted images of widespread political and value contentions across the nation, a fair illumination of those differences may well be the precondition of constructive and viable policy developments in the years ahead. For it seems clear that political accommodation and judicial fine-tuning, not the focused zeal of any particular reformer or philosopher, will dominate the future of Brown*-related policies in this troubled nation.*

Such, in any case, is the felt justification for this report — drawn as it is from the diverse perspectives of Panel Contributors who take solace from the words of the late Sir Wilfred Grenfell, "The world is slowly learning that because two people think differently neither need be wicked."

This report was developed pursuant to a request from Dr. Mary F. Berry, Assistant Secretary for Education, Department of Health, Education, and Welfare. The request to the Academy was to identify distinguished authorities on the sociology, law, and politics of the Brown *decision — authorities who would represent an informed spectrum of opinion, and who would serve as Panel Contributors to a thoughtful Academy report commemorating the twenty-fifth anniversary of the* Brown *decision. Initially, Dr. Berry submitted to the Academy a series of specific questions about the* Brown *decision. These specific questions were reduced in the crucible of the first meeting of the Panel Contributors on March 15, 1979, to four general questions, approved by Dr. Berry, that were subsequently addressed in writing by each Panel Contributor. The four questions were:*

(1) What did *Brown* actually say, and in what context?
(2) To what extent has the *Brown* decision been implemented? What have been its effects to date?
(3) What disparate positions are held about its contemporary meaning and relevance by those concerned with achieving social justice?
(4) What are the policy options ahead in implementing the spirit of *Brown*?

The following essay is the Academy rapporteur's montage of the diverse answers to these questions. It is an exercise in describing and explicating competing value positions, not a

[1] *Brown v. Board of Education of Topeka*, 347 U.S. 483, 74 S. Ct. 686 (1954).

systematic chronology of laws, regulations, and educational developments which led to and followed from Brown. This latter job has been done recently and effectively in a number of other publications.[2]

The rapporteur assumes sole responsibility for the selection of material from each of the Panel Contributors, and for the interpretive slants of the report's connective tissue. In borrowing from the written and printed submissions of Panel Contributors and from their spirited exchanges at meetings on March 15th and May 4th, he has been personally enriched and humbled by his responsibility to attempt to reflect accurately the diverse viewpoints of such a distinguished group of informed and concerned men and women.

The rapporteur, on behalf of the National Academy of Education, acknowledges with thanks, the facilitating contract from DHEW. He also acknowledges with gratitude the research assistance of Terrie Epstein and the secretarial, editorial, and logistical assistance of Mary Sullivan, Margaret Quinlin, Claudia Cusani, Linda Harbig, and Cornelia W. Bailey. Finally, he wishes to express his special thanks to Arthur Jefferson, Superintendent of Schools for the city of Detroit, Michigan, and Robert S. Wood, Superintendent of Schools for Boston, Massachusetts, for taking time to comment on the Report in draft form.

Once again, however, the rapporteur is solely responsible for the Report as it stands.

Stephen K. Bailey, Rapporteur
President, National Academy of Education

May 16, 1979
Washington, D.C.

[2]See, for example, U.S. Commission on Civil Rights, *Desegregation of the Nation's Public Schools: A Status Report* (Washington, D.C., GPO 1979), and *Law and Contemporary Problems*, Vol. 42, no. 3 (forthcoming 1979).

I
WHAT DID *BROWN* ACTUALLY SAY, AND IN WHAT CONTEXT?

That informed men and women of goodwill should disagree over philosophical values and current public policy is increasingly accepted as inevitable, necessary, and desirable in a democratic system. It is still hard, however, for many people to accept the reality that informed and disciplined minds can disagree about the reality and the meaning of history. After all, something happened or did not happen. Something was said or was not said. Someone either did or did not write something.

Unfortunately, history is as subject to interpretation and disagreement as are contemporary events and future options. What was the significance *of something happening? Did a speaker* imply *more than he* said? *Was the something written a tactic for a wider strategy, or can the words be taken at face value?*

Panel Contributors find themselves deeply divided about what those associated with the Brown *decision actually said and meant in 1954. One school emphasizes the issue of racial "separateness"; another the issue of "choice".*

Brown as an Attack on Racial Separateness

One Panel Contributor makes the following lucid case:[3]

"The context of the *Brown* decision is clear: at the time of the decision, 17 states and the District of Columbia had laws requiring or permitting racial segregation in public education;[4] in these states and many others, laws and official customs and practices had long segregated American citizens in public conveyances, inns, restaurants, drinking fountains, bathrooms, residences, recreational facilities, and the like. This publicly sanctioned segregation was a massive and intentional disadvantaging of the minority race that descended from slavery by the dominant white majority to impose another racial caste system. This ghetto-ization was legitimized and fueled by the 'separate but equal' doctrine of *Plessy v. Ferguson*, which deceitfully absolved the dominant white majority of its ethical responsibility by placing the blame of any resulting stigma of the enforced separation on the inferiority of the black victims:

> [If "two races"] stamps the colored with a badge of inferiority . . . , it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction on it.[5]

"In the decades which followed, the NAACP was founded and challenged the underlying assumptions of *Plessy*, arguing both the objective inequality of 'blacks-only' facilities and the inherent inequality of *Plessy*'s racial caste system."

Another Panel Contributor continues:[6] "In a number of cases the NAACP attacked racial

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[3]What follows in quotes is from the contribution of Paul R. Dimond.

[4]The relative condition of all-black and all-white schools in the South was eloquently summarized in the so-called Ashmore Report (Harry Ashmore, *The Negro and The Schools*, (Chapel Hill: University of North Carolina Press, 1954), which was released in 1954, two days before the *Brown* decision. The data were reported in an historical and social context which emphasized the roots of unequal education as well as recent reductions in inequality.

[5]*Plessy v. Ferguson*, 163 U.S. 537 (1896).

[6]What follows in quotes is from the contribution of Kenneth B. Clark.

segregation in public education — particularly higher and professional education. Under the rubric of the *Plessy* decision, it demonstrated that the separate and segregated facilities provided for blacks were not, in fact, equal. In the late 1930s the United States Supreme Court handed down a number of decisions which gradually eroded the practice of racial segregation in higher and professional education under the *Plessy* doctrine. In 1938, in the important *McLaurin v. Oklahoma State Regents* decision, the Court gave clear indications that the foundation of the separate but equal doctrine was at best shaky:

> These restrictions signify that the State, in administering the facilities it affords for professional and graduate study, sets McLaurin apart from the other students. The result is that appellant is handicapped in his pursuit of effective graduate instruction. Such restrictions impair and inhibit his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession . . .
>
> It may be argued that appellant will be in no better position when these restrictions are removed, for he may still be set apart by his fellow students. This we think irrelevant. There is a vast difference — a Constitutional difference — between restrictions imposed by the state which prohibit the commingling of students, and the refusal of the individual to commingle where the state presents no such bar . . . The removal of the state restrictions will not necessarily abate individual and group predilections, prejudices and choices. But at the very least, the state will not be depriving appellant of the opportunity to secure acceptance by his fellow students on his own merits.[7]

By *Sweatt v. Painter* in 1950, it became clear that the lawyers of the NAACP were beginning to attack the constitutionality of segregation *per se*. In reviewing the arguments in this case, one sees that the NAACP was seeking to outflank the rationale of *Plessy v. Ferguson*. The United States Supreme Court, however, was still basing its decisions on the separate but equal doctrine. It did so despite the fact that the standard of equality set by the Court at that time in these and related cases was so high as to make it difficult, if not impossible, to maintain separate state-supported graduate and professional programs of equal quality. These cases were so narrowly restricted to graduate and professional education that they did not meet directly the general issue of constitutionality of racial segregation, or even of official segregation at other levels of education and in other walks of American life.

The NAACP pressed the Court to face head-on the issue of the inherent inferiority of racial segregation without regard to the quality of the segregated facilities. Those who took this action were encouraged by the Court's earlier civil rights decisions which seemed to invite cases that would no longer rely on relief from segregation under the *Plessy* principle but rather would challenge the constitutionality of the decision itself without regard to the alleged equality of facilities.

What the Brown Decision Actually Said

A careful analysis of the *Brown* decision reveals that the Court addresses a number of points:

1. The history and intent of the adoption of the Fourteenth Amendment as related to the question of the constitutionality of racially segregated schools.
2. A general discussion of the importance of education in a democratic society.
3. A legal and constitutional question of whether segregated schools did in fact violate the equal protection clause of the Fourteenth Amendment by inflicting damage upon the Negro children who were so segregated.

In regard to the first point, the Court concluded that the evidence concerning the history and intent of Congress in the passage of the Fourteenth Amendment was 'at best, inconclusive' in determining the constitutionality of segregated schools. The Court then added a significant aside: 'An additional reason for the inconclusive nature of the Amendment history, with respect to segregated schools, is the status of public education at that time.'[8]

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[7] *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950).

[8] *Brown v. Board of Education*, 347 U.S. (1954).

"In regard to the general discussion of the importance of education in a democratic society, the Court asserted clearly that one cannot approach the problem of the meaning of segregation in the middle of the 20th century by turning the clock back to 1878 when the Amendment was adopted, or even to 1896 when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of equal protection of the laws.'

"The Court then continues its discussion of the importance of education in a democratic society:

> Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. *Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.* (Italics added.)

"In regard to the critical point of the constitutionality of segregated schools, the Court phrased the question which the decision sought to answer as follows:

> Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of minority groups of equal educational opportunity?

"The Court then answers this question clearly and directly: 'We believe that it does.'

"Before stating the basis for its conclusions, the Court first cited the *Sweatt v. Painter* and the *McLaurin v. Oklahoma State Regents* decisions. In referring to these decisions, the Court stated that a segregated law school for Negroes could not provide them with equal educational opportunity. Arriving at that decision in the *Sweatt* case, the Court relied largely on 'those qualities which are incapable of objective measurement.'

"In referring to the *McLaurin* case the Court again emphasized that the Negro student should 'be treated like all other students,' and 'again resorted to intangible considerations.' The Warren Court stated categorically, 'such considerations apply with added force to children of grade and high school.'

"It should be pointed out to those who have been critical of the *Brown* decision on the grounds that the Warren Court based its conclusions regarding the inherent inequality of segregated schools primarily, if not exclusively, on social science evidence cited in 'Footnote 11' that before citing this type of evidence the Court did in fact cite legal precedents for its conclusion that segregated education is inherently inferior.

"The Court in *Brown* then contronted the 'separate but equal' rationale head-on and directly repealed *Plessy*:

> To separate [black children in public schools] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . . [T]he policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. . . Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson* contrary to this finding is rejected. We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

One Contributor summarizes:[9] "Thus *Brown* recognized that intentional racial segregation amounted to an official caste system that ghettoized black citizens; *Brown* held that the regime of segregation was repugnant to the equal protection clause of the Fourteenth Amendment and due process guarantees of the Fifth Amendment. Although the decision related to public schooling, the Court and the Congress in subsequent decades have applied the principle in a series of judicial decrees and national acts to most aspects of official racial segregation (overt or covert) and customary racial discrimination (legislative, executive, judicial, state or local, written or unwritten), North or South, East and West."

The Argument of "Choice"

The preceding summary of the language and context of Brown *is seriously questioned by Panel Contributors who argue that what* Brown *actually had to say about desegregation has been twisted over the years to the point of reversal of intent. The latter argue that what the lawyers and justices associated with the* Brown *decision actually demanded was that race should be an irrelevant issue in all public policy — including educational policy. What has happened over twenty-five years, it is argued, is that the salient and omnipresent in civil-rights policy has become some form of numerical racial balance.*

It is worth a moment to pursue this line of argument in terms of the specific historical context of the Brown *case.*[10]

"At the time of the *Brown* decision, nearly half the states in the nation had laws which assigned children to public schools solely on the basis of their race. In Kansas, where the *Brown* case originated, state law permitted Topeka to segregate elementary school children by race. The NAACP Legal Defense Fund, in its briefs, in testimony introduced in the trial court in Kansas, and in the oral arguments before the United States Supreme Court, maintained unwaveringly that it was wrong to classify people on the basis of color and ancestry. Time and again, lawyers for the black plaintiffs urged the Court to remove from the states the power to use race in distinguishing among its citizenry.

"Robert Carter, who argued the *Brown* case in the Kansas trial court, rested the case against school segregation on two grounds: first, that 'the state has no authority and no power to make any distinction or any classification among its citizenry based upon race and color alone'; and second, that 'the rights under the Fourteenth Amendment are individual rights' and not group rights. Carter insisted that the Supreme Court had repeatedly held that 'race and ancestry and color are irrelevant differences and cannot form the basis for any legislative action.' Race could not be a valid basis for state action because it 'is not a real and substantial difference.'

"When the case reached the Supreme Court and was consolidated with cases from several other states, the NAACP contended that the Fourteenth Amendment prohibits 'all state action predicated upon race or color.' The civil rights lawyers echoed the famous dissent of Justice Harlan from the *Plessy v. Ferguson* decision of 1896 in asserting that the Constitution is 'colorblind, and neither knows nor tolerates classes among citizens.' In the oral argument, Thurgood Marshall kept up a steady attack on racial distinctions in the law as 'invidious,' 'odious,' 'suspect' and 'irrational.' Said Marshall, 'I think so far as our argument on the constitutional debates is concerned, and these two cases, that the state is deprived of any power to make any racial classifications in any governmental field.'

"The operative theory of the civil rights lawyers was that their cause was 'the American equalitarian principle,' which they traced back through history as an effort to treat each person as an individual without regard to race or creed or ancestry. The ideal was represented by the phrase 'all men are created equal,' and it was, said the NAACP lawyers, the animating principle in Charles Sumner's eloquent statement against school segregation in Boston in 1849:

> He may be poor, weak, humble, or black — he may be Caucasian, Jewish, Indian or Ethiopian race — he may be of French, German, English, or Irish extraction; but before the Constitution of Massachusetts all these distinctions disappear. He is not poor, weak, humble, or black; nor is he French, German, English, or Irish; he is a

[9] What follows in quotes is from the contribution of Paul R. Dimond.

[10] What follows in quotes is from the contribution of Diane Ravitch.

MAN, the equal of all his fellowmen.

"The social science testimony introduced in the *Brown* case in Topeka consisted of statements by educators and psychologists, who expressed their views rather than introducing specific research findings. Their views were of two kinds: one, that there was no significant difference between children of different races, so that there was no rational basis for assigning children to school on the basis of their color; and two, that black children were deprived by lack of contact with white children, since interracial experience was valuable in itself. Thus, the social science testimony was essentially ambivalent.

"In building the case against segregation, the NAACP lawyers stressed the fact that blacks were denied the right to send their children to the nearest school; segregation imposed on black children the handicap of spending extra time traveling to and from school, which was detrimental to their development. One social science expert testified, '. . . when you take an hour a day from a child, you are taking away something very precious to his total education.' Oliver Brown, father of Linda Carol Brown, the lead plaintiff, complained about the inconvenience and lack of safety which resulted from busing Linda to a 'colored school' some 21 blocks away instead of to the neighborhood school, only seven blocks from his home.

"What was left unresolved by the social scientists' testimony was a dilemma: should school-assignment be colorblind or color-conscious? Were black parents suing for the right to send their children to the nearest school or for the right to an integrated education? Was the constitutional wrong to blacks the denial of liberty or the denial of integration? While the testimony of the social scientists contained these ambiguities, the arguments of the lawyers stuck resolutely to the proposition that the Constitution forbade any use of racial classifications for governmental action.

"When the *Brown* case reached the Supreme Court, appended to it was a document signed by 32 prominent social scientists. Called 'The Effects of Segregation and the Consequences of Desegration: A Social Science Statement,' it summarized what was known about the deleterious effects of statutory racial segregation on minority children. This document explicitly defined segregation as 'that restriction of opportunities for different types of associations between the members of one racial, religious, national or geographic origin, or linguistic group and those of other groups, which results from or is supported by the action of any official body or agency representing some branch of government. We are not here concerned with such segregation as arises from the free movements of individuals which are neither enforced nor supported by official bodies. . .'

"Seen in the context of both the lawyers' arguments and the holdings of social science of the time, the *Brown* decision was intended to remove from the states the power to use racial classification to restrict the opportunities of its citizens. That the Congress shared this understanding of the meaning of the *Brown* decision was reflected in the language of the Civil Rights Act of 1964, which contained the following definition: '*Desegregation* means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but *desegregation* shall not mean the assignment of students to public schools in order to overcome racial imbalance.' The goal was to assure every American of equal treatment before the law, regardless of race or ancestry."

This "strict construction" of Brown *— that* Brown *was concerned essentially with the "colorblindness" of the law and with de jure segregation only — is countered by those Panel Contributors who, as we have seen, stress the* Brown *dictum that "separate schools are inherently unequal." It is, they argue, the "separatism" that is the underlying evil — even when that separatism emerges from constraints that are not specifically segregationist in a legal sense. Furthermore, they argue, there is no way of making color irrelevant until there is enough racial integration to prove in fact that "unequal history" has been overcome. The evolution of post-*Brown *cases," they contend, has demonstrated increasingly that the logic of* Brown *was not a "free choice" that in fact was not free, but a mandated overcoming of a racial segregation that inherently promotes inequality. This position, they point out, was belatedly adopted by the courts.*

"See, for example, *Griffin v. School Board of Prince Edward County*, 377 U.S. 218, 84 S. Ct. (1964); *Green v. County School Board*, 391 U.S. (1968); *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. (1971); *Keyes v. School District No. 1*, 413 U.S. (1973); and *Milliken v. Bradley*, 414 U.S. (1974).

As one Panel Contributor puts it:[12]

Beginning the the 1960s, federal courts (including conservative judges who were initially quite skeptical) began to recognize that although racial segregation in Northern schools was not mandated by official policy, it was hardly fortuitous. Faced with evidence that school authorities consistently made decisions regarding site selection, grade structure, attendance areas, faculty assignment, and other matters in ways that would racially separate children and with further evidence that government housing policies fostered segregated residential patterns, these courts decided that desegregation was required in Northern school systems as well. In the Keyes case,[13] the Supreme Court affirmed the existence of deliberately segregative practices in the Denver school system and set down rules which would require the desegregation of many Northern systems."

Did Brown mean some form of mandated desegregation? Or did it mean the right of parents to choose which schools their children would attend? On this issue, the Panel Contributors are divided.

The Role of Social Science Research

On one other historical matter, members of the Panel are at odds. What was the role of social-science research in the Brown ruling? It will be remembered that thirty-two social scientists appended a document to the plaintiff's brief — a report purportedly proving that segregation had bad effects upon the educability and the self-image of minority children. Panel views vary from a defense of the validity and saliency of the findings of the social scientists to a flat statement that[14] "the social science findings alluded to by the Court in the famous 'Footnote 11' are without solid empirical backing and that the Court was either wrong or disingenuous in referring to the expansion of psychological knowledge since *Plessy*: wrong, because the expansion of psychological knowledge still does not provide us with solid bases for legal decision-making; disingenuous, because that was not the only reason that the Court was overturning *Plessy*. The Court had ample basis for finding in common sense and common experience that segregation by law on account of race damaged children without resorting to challengeable and changeable psychological findings from experiments."

Other aspects of social science research as they relate to the implementation of Brown *will be alluded to below. But the Panel Contributor whose contribution reviewed* Brown*-related research findings most thoroughly*[15] *was constrained to admit that* ". . . the role that social science findings have played in school desegregation litigation is not as significant as most people believe."

These then are some of the basic disagreements that emerged among the Panel Contributors as they looked back over twenty-five years to the context of Brown *and to the meaning of the decision itself. These differences in historical perspective, as we shall see, have implications for how Panel members assess the implementation of* Brown *to date and* Brown's *implications for the future.*

[12] What follows in quotes is from the contribution of William L. Taylor.

[13] *Keyes v. School District No. 1*, 413 U.S. (1973).

[14] What follows in quotes is from the contribution of Nathan Glazer.

[15] Betsy Levin.

II
TO WHAT EXTENT HAS THE *BROWN* DECISION BEEN IMPLEMENTED? WHAT HAVE BEEN ITS EFFECTS TO DATE?

When the Panel Contributors turned from the context and the decision in 1954 to the question of what has happened since, there emerged one area of overwhelming agreement: Brown *was a major factor in stimulating the civil rights movement and related public policies of the 1960s.* Brown's *immediate (and long-range) impact, in the words of one contributor,*[16] *was to "create a favorable climate for the passage of civil rights legislation and the Economic Opportunity Act (the War on Poverty), for challenging racial discrimination in voting, employment, and housing, as well as education, and for triggering a broad-scale movement toward increased social, economic, and political justice on behalf of minorities."*

As one Panel Contributor puts it,[17] "A discussion of the positive impact of *Brown* would not be complete without mention of its effect on the expression of other rights and interests. Success in *Brown* spurred legal movements to establish the rights of Hispanic Americans, native Americans and other minorities, to create equality and opportunity for women, handicapped people and the elderly, to preserve the environment, to protect the health and safety of workers."

On the narrower issue, however, of the extent to which Brown's *strictures in school desegregation have in fact been implemented, the Panel once again was divided.*

The Argument of "Full Implementation"

One Panel Contributor[18] *writes:* "The *Brown* decision has been fully implemented. There are no state laws requiring or permitting segregation on grounds of race. There are no local school districts which have such requirements. In many local school districts, under court order, and to a lesser extent under state requirements or local decision, conscious efforts are made to overcome the effects of school racial concentration because of residential concentration by means of busing, free choice (note in the quotation from the *Brown* decision, this was the stronger remedy that the Justices envisaged in their question), special magnet schools and programs, or other mechanisms."

Another Panel Contributor, in the same vein, writes:[19] "If *Brown* is defined in terms of equal access, it can be counted a great success. In twenty-five years, which is a brief time by the historical clock, the major institutions in the United States have been transformed. A deeply entrenched caste system, embedded in law, custom, and daily usage, has been disrupted and nearly destroyed; certainly the legal and governmental supports for the racial caste system have been entirely eliminated. While the poison of racism persists, its incidence has substantially diminished. Whether one looks to the position of blacks in the media, the government, corporations, or higher education, the change of the past quarter century would have been unimaginable in 1954."

Both of these Panel Contributors admit the continued existence of residentially created, de facto segregation — especially in central cities. But the general tenor of their analysis is positive. The glass is at least half full.

[16] What follows in quotes is from the contribution of Betsy Levin.
[17] What follows in quotes is from the contribution of William Taylor.
[18] What follows in quotes is from the contribution of Nathan Glazer.
[19] What follows in quotes is from the contribution of Diane Ravitch.

The Glass is Far More than Half Empty

For other Panel Contributors, the glass is far more than half empty. One of them writes, sardonically, [20] "Imagine yourself as an amoral social scientist who was called in as a consultant by segregationists in 1954 to design an effective strategy for blunting the impact of *Brown*. In retrospect, you might have recommended the following procedures:

> (1) Stall as long as possible; appeal every desegregation decision; plead for time and use the time gained to bolster popular resistance; deny in every way any claims that desegregation is morally right and historically inevitable.
>
> (2) Encourage politicians and the mass media to emphasize the immediate dangers posed by desegregation to educational standards and the welfare of white children; utilize these aroused racial fears in organized and publicized resistance to school desegregation.
>
> (3) Isolate the federal courts in their desegregation initiative by making certain that neither executive nor legislative action at the state or federal levels supports the judicial rulings. Presidents, for example, can be persuaded to denounce violence while at the same time reiterating their personal opposition to desegregation.
>
> (4) Try at first to limit school desegregation to schools in the former Confederate states, as if segregation were strictly a southern problem. If this containment attempt fails, exploit the growing northern and western resistance to form a national political base for developing racial segregation as a presidential issue. Defending racial segregation may be made more respectable by using such ostensibly nonracial labels as demands for 'neighborhood schools' and 'no busing.'
>
> (5) Strengthen your political base by ensuring the failure of newly desegrated institutions and making the costs of racial change appear excessive; then secure the services of social scientists who will authoritatively assert that busing fails on the basis of carefully selected data.
>
> (6) Be careful to prevent desegregated institutions from evolving into integrated ones. This can be done best by placing the major burden for the change upon black Americans. Thus, avoid efficient transportation planning and insist on one-way busing for black students only; aggravate black disenchantment with such arrangements by offering to increase employment of black teachers in segregated schools and to put apparent control of these schools into the hands of black parents and community members; and then assert that 'black people don't want desegregation either,' thereby defusing the moral thrust of the movement.
>
> (7) Expand private schools as rapidly as possible to drain the public schools of middle class whites and to pave the way for decreased tax expenditures for public schools.
>
> (8) Remember that demography is on the side of segregation. The last and most effective barrier to desegregation of urban public schools is the combination of intensive housing segregation and the impenetrability of boundaries between central city school districts and their suburban counterparts. Place the highest priority on maintaining these housing patterns and the sanctity of district boundaries, even though these lines often do not correspond with municipal boundaries or any other conceivable governmental function; indeed, use such federal programs as urban renewal, high-density public housing, so-called model cities programs, VA and FHA mortgages, highway construction, and 'revenue sharing' to enhance these seemingly 'natural' barriers to all forms of racial desegregation. It can always be maintained later that this system of 'dual cities,' just as the 'dual schools,' was 'caused by unknown and perhaps unknowable factors.'

"It never occurred to segregationists, of course, to seek such social science counselling back in 1954. Nor, perhaps, was the state of the art in the social sciences advanced enough at that point to have been so farsighted. No matter, however, for white America unerringly evolved the strategy anyway over the past twenty-five years."

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[20] What follows in quotes is from the contribution of Thomas F. Pettigrew.

One Contributor gives special attention to the place of Brown II,[21] *in the delaying of implementation:*

"*Brown* II, in 1955, concluded that fundamental reliance must be placed on decentralized decision-making, by local school boards if possible and by the local federal district judges if necessary. Desegregation was to take place 'with all deliberate speed.' The end of the process was not specified and there were no national standards for change spelled out. The basic message was cautious and relatively simple:

1) educational apartheid required by law violates fundamental constitutional principles of equal opportunity in provision of public services.
2) local officials should be given every opportunity to design their own desegregation plan.
3) something must be done to begin to break down the total segregation, but gradual moderate change would be acceptable, at least for the present.

"Although the *Brown* case is often seen as the beginning of a modern period of judicial tyranny, it was actually a great success in creating a political and social issue and a sorry failure in producing desegregation. Its fundamental consequence was to make the issue of integration as a major political question and keep that question before the nation. This helped to energize and legitimize a social movement demanding racial change. This example of 'judicial tyranny' deepened the democratic process but had no impact on the actual experience of most black children in the South until a decade had passed and Congress and the President put the power and authority of the elected branches of government into the battle to desegregate the rural and small town South.

"The years immediately following *Brown* saw virtually the entire political leadership of the South move toward a position of massive resistance to the slightest desegregation efforts. State legislatures 'nullified' the Supreme Court's decision and passed scores of pieces of legislation creating intricate administrative barriers to desegregation and threatening to abandon public education altogether if any blacks were actually admitted to white schools."

In view of this delay, as one Contributor reminds us,[22] ". . . it is truly remarkable that the past generation has witnessed as much public school desegregation as it has. The first decade, 1954 to 1964, occasioned pitifully little progress. The most significant gains finally came in the South during the late 1960s and early 1970s. The number of black children in all-black southern schools declined from 40% in 1968 to 12% in 1971; those in predominantly white schools rose from 18% in 1968 to 44% by 1971. Indeed, by the fall of 1970 a greater percentage of black children attended majority-white public schools in the South (38%) than in the North (28%). A more sensitive indicator, the racial segregation index (RSI), reveals the same trend. In 42 southern urban districts, the degree of student segregation was nearly halved between 1967 and 1973, dropping from 88% to 48%. This compares with only modest reductions during these same five years in eight border urban districts, in which segregation dropped from 80% to 69%; 62 northern urban districts (from 68% to 61%); and 16 western urban districts (from 67% to 50%). On the RSI index, too, by 1972, the South had the lowest degree of racial school segregation."

"But," *he concludes,* "the silver anniversary of *Brown* is no time to be sanguine."

This position is reinforced by two other Panel Contributors. One writes:[23] "There was virtually *no* desegregation in the South during the first ten years after *Brown* and very little during the next five years. The South took various measures to delay, evade, and impede the implementation of *Brown* including the adoption of interposition resolutions, the closing of schools and other acts of 'massive resistance,' enactment of pupil placement and transfer laws and the adoption of grade-a-year plans. In addition, the failure to have any faculty desegregation ensured that schools remained identifiably black or white.

"The Civil Rights Act of 1964 and the HEW guidelines provided some additional impetus for

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[21] *Brown v. Board of Education of Topeka*, 349 U.S. 294, 75 S. Ct. 753 (1955). What follows in quotes is from the contribution of Gary Orfield.

[22] What follows in quotes is from the contribution of Thomas F. Pettigrew. Also, see Reynolds Farley, "Residential Segregation and Its Implications for School Integration." In B. Levin and W.D. Hawley (Eds.), *The Courts, Social Science, and School Desegregation*. New Brunswick, N.J.: Transaction Books, 1977, pp. 164-193.

[23] What follows in quotes is from the contribution of Betsy Levin.

desegregation. Nevertheless, until 1968, there were still dual school systems with the only change being a handful of blacks, who overcame physical and economic threats to attend formerly all white schools. There were no whites in black schools.

"Finally, in *Green v. New Kent County*, in 1968, the Supreme Court rejected yet another delaying tactic in the Southern arsenal of delaying tactics – freedom-of-choice plans. But the following year, the executive branch of the federal government (Justice and HEW both), slowed down its efforts. Indeed, until the *Adams v. Richardson* (now *Adams v. Califano*) case held that HEW was dragging its feet, failing to comply with its duty to enforce Title VI, the federal government continued to do nothing. This case was not initially decided until 1973, and was still in the courts until a consent agreement was reached in *1978!*

"In the North, almost nothing happened after *Brown* except in those few states where the state commissioner of education is given substantial power to require desegregation — principally New York and New Jersey. Thus a few districts were desegregated by action of the state commissioner. Otherwise, there was only limited legal activity in the North until the Denver case was decided by the Supreme Court in 1973, which indicated that intentional assignments of pupils by school authorities for purposes of maintaining segregation constituted *de jure* segregation. Thus the *first* Supreme Court case outside the South was nineteen years after *Brown*. And by 1974, only a month or so after the twentieth anniversary of *Brown*, the Supreme Court made it clear that even where school districts were clearly segregated by deliberate discriminatory actions of state and local officials, the remedy for such a *de jure* segregated urban school district was confined to its borders, thus ensuring that it would become a predominantly minority district."

Another Panel Contributor, while admitting that the principle of Brown I *was slowly but rather consistently implemented in part by the Court from* Brown II *through* Cooper, Griffin, Green, Swann, *and* Keyes, *concludes as follows:*[24] "Unfortunately, the principles of *Brown* and its progeny (and of the radical racial revolution in which they played an important but only contributing role) were never fully embraced in spirit let alone voluntarily implemented in substance by the National Administration, the Federal agencies, the Congress, the States, the localities, the schools, private industry and business, the unions, and the people of the United States.

"As a result, substantial segregation, discrimination, and inequality in schools, housing, federally funded programs, jobs, and life opportunities and responsibilities persisted in the 1950s and 1960s. The 1970s followed with 'benign neglect,' and the national political acquiescence in (if not fueling of) the opposition to *Brown*'s rejection of any continuing racial caste system under the slogans of 'no forced integration' (housing) and 'no forced busing' (schools) and the appointment of 'strict constructionists' to the Supreme Court of the same ilk who have succeeded in gradually limiting and eroding the principles of *Brown*. The racial dream (and the continuing reality, except where altered by a weakening Court or by some strengthening state and local governments and public and private persons) of the Republican Administration was simply continued segregation and ghettoization with an occasional sop to 'equal opportunity,' 'nondiscrimination' and 'minority enterprise' and a growing constituency for a challenge to 'reverse discrimination' based on 'ethnic diversity' and 'choice.' This 'dream' represented no more than old segregation wine in a new, allegedly 'nondiscrimination' bottle. The Carter Administration spoke somewhat more regularly in defense of 'affirmative action' and other remedies to overcome continuing racial segregation and discrimination. But the absence to date of any coherent national policy and action in the Carter Administration on race left the Nixon/Ford 'dream' largely intact: continuing ghettoization of the majority of blacks in separate and unequal urban and rural enclaves (leavened, or is it more fairly paid off) by a few federal and state financial crumbs (while the controlling public incentives and dollars in the main still support the continued separation of wealth, capital, and opportunities in identifiably white urban, suburban, exurban, and regional areas). If that is the practical reality of this Administration and the body politic in 1979, it does not represent much of a vision for the future of America on the Twenty-Fifth Anniversary of *Brown*. Instead, it represents a prescription for continuing a racial caste system for the foreseeable future in contradiction of the core meaning of *Brown* (albeit without the overt racial rhetoric and trappings and grossest inequality of slavery, the black codes, or Jim Crow and 'separate-but-equal')."

[24] What follows in quotes is from the contribution of Paul Dimond.

The glass, in short, is really far less than half full.

One Panel Contributor comes closer than others to a median position. He writes,[25] "On a scale of one to ten, *Brown v. Board of Education* has been implemented at about a four. All school boards have been forced to deal with how to implement desegregation, and some have responded with sensitive and effective plans. The vast majority of school districts have procrastinated until forced to act, and then responded with plans which favor the majority students and the majority schools."

The "Harmful Effects" of *Brown*

These varying positions on the salient features of the implementation and impact of Brown *are placed in an even more complicated matrix by Panelist Contributors who identify effects of* Brown *that they believe to have been positively harmful.*

(1) *Diverting Attention from the Quality of Black Schools.*

One line of reasoning is that Brown *was harmful insofar as it diverted attention and resources away from upgrading the quality of black schools. In effect,* Brown *ignored the legacy of the 1954 Ashmore Report.*[26] *In the decade following* Brown, *progress was measured by counting the number of black children attending formerly white schools. Southern resistance was designed to inhibit such attendance. The significance of the inequalities described in the Ashmore Report generally was overlooked. As one Contributor puts it:*[27]

"The political economy of school desegregation has had two phases. The first phase, which occupied center stage in the decade following *Brown*, rested on a fairly narrow conception of the impor of *Brown*. That conception held that the standard for measuring compliance with *Brown* would be the enrollment of black children in schools which in 1954 were by law restricted to white children. Indeed, for many years the Commission on Civil Rights and other bodies used this standard to measure implementation of *Brown*. The standard did not require the redistribution of resources between black and white schools. *Children* were to be redistributed — black children. In the early post-*Brown* years the types of comparisons made by Ashmore's group no longer seemed pertinent. Indeed, they were construed as antithetical to *Brown*, for they presumed the continued existence of separate schools for whites and blacks.

"The weight of opinion seems to be that the equalization efforts prompted by *Plessy* in the pre-*Brown* years were attenuated after 1954. If so, *Brown* inhibited progress toward one of the conditions that Ashmore, at least, felt indispensable for the achievement of racial justice. A far more insidious development in the post-*Brown* years was the construction — particularly in large Northern cities — of new schools in areas of minority population concentration. These schools were just as effective in perpetuating racial isolation as the laws struck down by *Brown*. Years later the presence of these schools would seriously compromise efforts to fulfill *Brown*. On the positive side, there appear to have been some communities, particularly in rural areas, where the proportion of blacks was small, and where the cost of maintaining segregated schools was high. In some of these settings the black schools were closed; the result was desegregation, equality of access to tangible school resources, and the availability of resources otherwise wasted in perpetuating segregation. In such settings *Brown*'s impact was quite positive. Unfortunately there do not appear to be any systematic studies of the redistributional effects of *Brown* in the decade after its issuance. Available evidence indicates that the effects were highly diverse, that some were compatible with the intent of *Brown*, and that some were not."

This Contributor admits that court cases and public policies of the past decade have implicitly acknowledged Harry Ashmore's assertion that the problem of desegregation cannot be considered in isolation from the political economy of schools. But he contends that we have yet to do the hard work of transforming that assertion into definite policy initiatives which address the long-term task of desegregation.

One subset of the charge that Brown *has hurt the equitable allocation of resources deals*

[25] What follows in quotes is from the contribution of Leo Estrada.

[26] Ashmore, op. cit.

[27] What follows in quotes is from the contribution of David Colton.

with the issue of black colleges. One writer puts the issue in the following language:[28] "One of the few areas in which desegregation will indeed have a negative effect is in its effect upon the system of black colleges which was created to alleviate the issue of segregation in higher education. It is unclear to me how these schools will survive into the future. The faculty at traditional black colleges is increasingly foreign-born and the vast majority of black high school graduates are opting for admission to majority colleges and universities. It would appear to me to be a tragic loss, but their reason for existence will need to shift in order to survive. They can no longer expect to train the black elite as they once did, and to some extent continue to do. I can only guess that they will undertake the task of moving toward vocational training and serving as significant cultural centers."

(2) "*White Flight*"

Another, and highly contested, contention about the possible baneful effect of Brown *surrounds the so-called white-flight issue. Some of the major protagonists and antagonists associated with this issue are Contributors to the Academy report. The opposing positions emerge clearly in Panel responses.*

One of the major protagonists of the position that desegregation orders have promoted white-flight from central cities to suburbs begins with the assumption that court-ordered desegregation in a de facto context was not the original intention of Brown. *He writes,*[29]

"There was, for a number of years after the *Brown* decision — approximately the first decade — little confusion or disagreement about the meaning of the decision. It was, pure and simple, the elimination of dual school systems as had been maintained in the South. It was not a decision to carry out affirmative integration, not an action to achieve any particular level of racial integration in the schools, not even a decision to undo every action by a school board that was discriminatory. Thus by every criterion it was different from the decisions that have been handed down in the past ten or fifteen years, both by lower courts and by the Supreme Court.

"The difference in interpretation of what 'desegregation' meant in the late fifties and what it has come to mean in the seventies is well illustrated by the experience of two border cities, Baltimore and Louisville. Almost immediately after the *Brown* decision, Baltimore desegregated its schools. That act of desegregation was regarded as full compliance with *Brown* and as a prototype of what should happen everywhere. But in the second half of the 1970s, Baltimore has been the object of HEW administrative action, attempting to bring it into 'compliance.' This is not because Baltimore has reneged on its post-*Brown* desegregation action — indeed, quite the opposite — but because the criteria are now wholly different: criteria of racial balance, i.e., whether all schools in the district have approximately the same racial composition. In short, a degree of integrative action far beyond any contemplated in *Brown* is now regarded by HEW as 'not in compliance.' The peculiar character of such actions is evident by a comparison: the Baltimore County school system, surrounding most of Baltimore, and with less than 10% blacks, was found in compliance; while Baltimore City was found 'out of compliance' — because there was 'racial balance' in Baltimore County with its few blacks, while the minority of whites in Baltimore City were not distributed approximately equally in every school. Yet Baltimore County is the haven of those who escaped from desegregation in Baltimore City. So long as such peculiar standards continue, Federal policies are creating a strong incentive on the part of white families to increase segregation by moving to the suburbs. In this sense, it can quite accurately be said that Federal policy, purportedly to eliminate or reduce segregation, has been a major force in increasing it.

"Louisville, another border city, offers another example of the change in interpretation of what desegregation means, and of what the *Brown* decision implies. In 1958, four years after *Brown*, Louisville, which like Baltimore had had a dual school system, engaged in full-scale desegregation, in what was hailed as a 'model' for school desegregation. What did Louisville do? It had previously had a dual system, with non-zoned city-wide white high schools among which whites could choose, and a single city-wide black high school. Desegregation meant eliminating the dual system at all levels, and zoning some high schools, keeping others as what would now be called 'magnet-schools.' This was seen, in commentary throughout the country, as going beyond the letter of the *Brown* requirements,

[28] What follows in quotes is from the contribution of Leo Estrada.
[29] What follows in quotes is from the contribution of James S. Coleman.

acting to fully comply with their spirit in an especially progressive way.

"But in 1975, a local court, having been reversed by the circuit court on the grounds of an insufficiently strong desegregation action, directed that Louisville, and all of Jefferson County (with which its school system had just been combined), must carry out a desegregation plan creating full-scale racial balance, with county-wide busing to bring it about. The legal rationale for this order was that there was one predominantly black school in Jefferson County that had not been desegregated (in the sense that there had been no attempt to racially balance it with the other schools in Jefferson County). But the motivating principle of the court seemed rather to derive more from attitudes characteristic of the Old South; that no white child would be required by his residence, wherever it was in Louisville, to attend a predominantly black school. Thus every school in the county was made a school with between about 15% and 30% black. In this order, as in many others, there was the implicit premise that there is something inherently bad about a predominantly black school, a premise that was nonexistent in the *Brown* decision, and arose only later. In fact, one might well say that there was a coalition of the right and the left to 'eliminate' predominantly black schools — with the hidden agenda of the right being to make certain blacks were never in a majority in schools attended by whites, and the hidden agenda of the left being to insure racial balance throughout a school district. Needles to say, neither of these was the *Brown* agenda, and it could be argued that together they subverted the *Brown* agenda.

"Since 1970, what has been implemented is quite foreign to the *Brown* decision. It is the creation of statistical or numerical integration, ordinarily through busing, to overcome the residential segregation that has developed in urban areas. This has been done through extreme contortions, though with indifferent success. The contortions are necessitated because residential areas are rather highly segregated, and overcoming this segregation has required sending children far from their nearest school. The indifferent success is a result of the fact that families in urban areas have high potential mobility, and respond to coercive governmental actions by redistributing themselves to escape the impact of these actions. In fact the lack of success is correlated with the extremity of the contortions: the more extreme and contorted a segregation decision, the less it is acceptable to those families, black and white, that are subject to it — and the more they respond by escaping from it.

"The effects of compliance with the *Brown* decision have on the whole been beneficial. Black children are no longer prevented by skin color alone (though they may be prevented, just as whites and browns may be, by economic circumstances), from attending a school they or their parents see as desirable. The South has finally been brought back into the nation, by eliminating the official discrimination that existed there. If this were all of it, if there were no other consequences, then it could be said that the *Brown* decision was enormously beneficial, and that there were no negative consequences. Unfortunately, the *Brown* decision also had secondary impacts which show promise of destroying the public school system itself. Never before has there been such antagonism to, and withdrawal from, the public school system. Never has there been such clamor for some kind of support for private schools (through tuition tax credits, or vouchers, or some other means). These sentiments are not the result of the *Brown* decision, but they are, at least in part, the result of secondary reverberations from the *Brown* decision — primarily heavily coercive actions by the courts and by HEW. If these were sentiments held primarily by persons with strong racial prejudice, this would have to be accepted as a necessary consequence of the *Brown* decision. But numerous surveys show that they are not; that those who leave coercive racial balance plans, and in some cases even leave the public schools, are those with highest education and greatest concern about their children's education — including even strong civil rights advocates, black and white.

"It is clear that these secondary impacts of the *Brown* decision are not necessary impacts at all, but have arisen as a consequence of the policies imposed once *Brown* was reinterpreted to mean racial balance in the schools using whatever coercion is necessary."

The "white flight" contention is vigorously attacked by other Panel Contributors. One writes.[*] "Public discussion of white-flight research in recent months has focused on the

[*]What follows in quotes is from an article written by Gary Orfield, "Is Coleman Right?" *Social Policy*, Vol. 6, No. 4, January February, 1976, pp. 24-6.

Since 1976, there has developed a greater measure of agreement among scholars on the empirical reality underlying the "white-flight" issue. But contributors are still far apart on the policy implications of the empirical findings.

assertion that school desegregation has greatly intensified out-migration. Several scholars employing more sophisticated analytic techniques concluded that desegregation plans have no discernible effect, on the average, on the rate of white suburbanization.

"Is school desegregation the sole cause of a decision to move, or does it merely trigger earlier departures by some families almost certain to move anyway? Are there other significant changes in the city or in the metropolitan area at the time that account for an observed change in enrollment and residence patterns? Is accelerated flight a continuing problem produced by desegregation or is it a one-year spurt generated by the tumult of change? Does the statistical model exclude major influences on family choices? Inadequate treatment of any of these issues could produce seriously misleading policy conclusions.

"The range and diversity of factors which might influence the rate of racial transition can be suggested by a simple, noninclusive list of common conditions in cities during the late 1960s and early 1970s.

1. Record levels of housing construction, overwhelmingly concentrated in the suburbs.
2. Major urban riots.
3. Rapid continued movement of urban jobs to suburban facilities.
4. Trend toward racial polarization in city politics and the emergence of black political leaders.
5. Increasing crime and public fears of violence.
6. More rapid expansion of ghetto boundaries made possible by 1968 federal fair housing law.
7. Increases in strikingly disproportionate central city taxation in some areas.
8. Decline in the actual level of central city services in some cities.
9. Housing subsidy programs of unprecedented magnitude which tended to accelerate racial transition in the city, create opportunities for lower-income whites in the suburbs, and, sometimes, end with the elimination of thousands of units from the central city housing stock.
10. Major financial incentives, in terms of down payment and financing, for young families to purchase new outlying suburban housing.

"The basic analytic problem is that most of these major changes all work in the same direction — toward increased suburbanization — and thus their effects can easily be confounded. Moreover, there are other, specifically education, problems. Many city schools have deteriorating physical plants and the local newspapers carry reports of steadily declining achievement test scores. Teacher strikes have eroded confidence and sometimes produced substantial enrollment declines. Financial crises have forced rising student-teacher ratios in some cities.

"Separating out the influence of various elements is exceedingly difficult."

And he goes on, "The assumption that the rapid movement of white families from the central cities is a flight merely from racial contact has been substantially undermined by recent evidence that minority groups themselves are beginning to flee very rapidly where they are able to buy suburban housing. Black public school enrollments are stabilizing or declining in a number of central cities and black middle-class families are increasingly moving to their inner suburbs. Among middle-class black families who retain central city residence, there are substantial numbers who have sent their children to private schools."

Whatever the disagreement on the long-run effects of city-only or limited desegregation plans on demographic movement, some Panelists point out that the plans that are metropolitan in character have not stimulated "white flight." As one Panel Contributor observes:[1]

"The evidence shows that desegregation that occurs on a metropolitan basis as in Charlotte-Mecklenburg, Tampa-Hillsborough and other urban areas where no boundary divides city from suburban districts, is likely to prove stable and enduring."

[1] What follows in quotes is from the contribution of William Taylor.

Black Achievement

The Panel Contributors are also divided as to whether desegregation policies have in fact had a beneficial effect on the scholastic achievement of black children.

The positive case rests in part on a comprehensive review by Crain and Mahard[32] *of seventy-three studies of black achievement test scores. This review found that school desegregation has had a beneficial effect on such scores — a conclusion that concurs with national surveys that have found black achievement higher in mostly white schools.* The Panelist Contributor continues,[33] "Not all studies obtain this result. The methodologically weaker studies are less likely to find the positive desegregation effect; and, more important, studies of the later grades are less likely to find them. Crain and Mahard conclude that 'desegregation is noticeably more likely to have a positive impact on black test scores if it begins in the earliest grades, and effects are especially likely to be positive for the first graders.'"

An opposing case is elaborated as follows:[34]

"For a time it was believed — as a consequence of research in the schools — that desegregation would increase achievement of black children. By now, however, there have been a number of studies of changes of achievement of black children following desegregation, and reviews of those studies have shown that the belief was ill-founded: there are as many cases where achievement levels decline as where they increase. Thus the notion that black children will 'automatically' increase their achievement in integrated schools (an argument which provided the initial rationale for racial balance plans) is shown to be false. It appears, on the basis of evidence, to be the case that desegregation can have *either* a beneficial or harmful effect upon achievement; but achievement is not unaffected by desegregation, but is about as often affected negatively as positively. More than anything else, this shows that the opportunity the *Brown* decision created has been lost: if desegregation had been carried out appropriately, it would have meant a net gain in the achievement of blacks; but carried out as it has been, that gain has not been realized."

Finally, according to one Contributor,[35] *whether or not desegregation has improved minority achievement scores, the importance of* Brown *has been in its causing scholars to reappraise the capacity of the children of minority poor to learn. As a result, researchers* "have begun to raise serious questions about the possibility of equality of *outcomes* rather than equality of inputs. Many of the researchers have demonstrated that measures of intelligence or aptitude are really not the major determiners of learning. [Instead,] the major themes of recent research indicate:

(1) Most students become very similar with regard to learning ability, rate of learning, and motivation for further learning when provided with favorable learning conditions. This research also demonstrates that when students are provided with unfavorable learning conditions, they become even more dissimilar with regard to learning ability, rate of learning and motivation for further learning.

(2) The way in which time is used in the classroom by teachers as well as students is a major determiner of the level of cognitive and affective outcomes of the learning. Poorly used time results in little learning and great frustration.

(3) Student success or failure in the school is a direct cause of student interest, self-confidence as a learner, and general self-esteem. In addition, success in school over a number of years appears to increase the likelihood that individuals can withstand stress and anxiety, but lack of such success over a number of years appears to be a source of emotional difficulties.

(4) Group instruction produces errors in learning at each stage of a course or school term — no matter how effective the teacher is. These errors in learning are compounded with later learning errors. The errors resulting from this

[32] R.L. Crain and R.E. Mahard, "Desegregation and Black Achievement," Working Paper of the National Review Panel on School Desegregation Research, Institute of Policy Sciences and Public Affairs, Duke University, Durham, N.C., October 1977.

[33] What follows in quotes is from the contribution of Thomas F. Pettigrew.

[34] What follows in quotes is from the contribution of James S. Coleman.

[35] What follows in quotes is from the contribution of Benjamin S. Bloom.

system of group instruction determine each student's final achievement and only rarely is the individual able to fully recover from them.

"Such group instruction can be much more effective if there is a system of feedback to teachers and students to reveal the errors in learning shortly after they occur. If appropriate corrections are introduced as needed, the instruction can be self-correcting so that the learning errors made at one time can be corrected before they are compounded with later learning errors.

"When group instruction is supplemented by feedback and individualized corrections as needed, researchers find almost all students gradually become similar in their learning effectiveness and in their interest and motivation for further learning.

(5) Although teachers, curriculum makers, and testers profess more complex objectives for education, the actual emphasis in most classrooms is still largely on the learning of specific information. During the past two decades the professed objectives of education have changed from knowledge alone to a great variety of cognitive objectives including creativity. The objectives of education increasingly stress interest, attitudes, and values in the affective domain. Classroom teaching in the schools has not caught up with what we already know about the teaching-learning processes necessary for these new objectives of education. There is a wide belt between what we want in education and what we do with education."

Finally some Panel Contributors note that scores on standardized tests are not the sole measure of educational attainment. They point to the major increases in the enrollment of minority students in colleges, universities, and professional schools and in improved access to the professions and skilled trades. One Panel Contributor says that the function of desegregation in providing access to minorities into the system is dismissed by some social scientists because noncognitive effects are not easily measureable. But, noting D.W. Brogan's observation that schools do not simply instruct students but also "let them instruct each other in how to live in America," he adds,[36] "If . . . desegregation is providing levers to minority students enabling them to function effectively in the system, it is achieving a critical objective whether or not the process is measurable."

Brown and Hispanics

No treatment of Panel differences would be complete without reference to the special problem of Hispanics in wrestling with the implementation of the Brown *decision.*

As one Panelist Contributor reminds us,

"It is a common, but mistaken, perception that desegregation is a black-white issue. It is a mistake to view desegregation in such narrow terms for several reasons. First, sheer demographics make a lie of such a perception. Hispanics increasingly comprise a significant percentage of our school systems, irrespective of locale. In Los Angeles, the predominant ethnic group is Mexican American.[38] In Chicago the Hispanic student population stood at 10% in 1970;[39] as of October, 1977, the figure was 15.1%, an increase of 50%.[40] One child in twelve born in the United States in 1975 was Hispanic.[41] More importantly, the segregation that those children encounter when they attend school parallels the experience of black children. In 1974, 67.44% of Hispanic children attended predominantly minority schools.[42] The parallel figure for black children was 66.83%.[43] Furthermore, it is now well established, at least in the Southwest, that Hispanics are an ethnic group with standing to press for

[36]What follows in quotes is from the contribution of William F. Taylor.

[37]What follows in quotes is from the contribution of Peter Roos.

[38]October, 1977, Census, Reported in the *Los Angeles Times*, Apr. 11, 1978, p. 1, Part II.

[39]"Integration in Chicago", A Report to the Illinois Board of Education by the Technical Assistance Committee on the Chicago Desegregation Plan, May 11, 1978, p. 19.

[40]"Racial/Ethnic Survey — Students, as of October 31, 1977", Prepared by Department of Administration, Chicago Public Schools.

[41]Orfield, *Must We Bus?* Brookings Institute, 1978, p. 198.

[42]*Trends in Hispanic Segregation 1970-1974*, Vol. II, Center for National Policy Review, Jan., 1977, p. 7.

[43]*Trends in Black School Segregation 1970-1974*, Vol. 1, Center for National Policy Review, Jan., 1977, p. 9.

desegregation in the courts.[44]

Further, it is clear that many, if not most, school districts have been guilty of the same sorts of segregative acts toward Hispanics as have secured black segregation.[45] Thus, Hispanics have not only the right to go to court but also the right to receive relief. Possibly of even greater consequence, courts and others have recognized that in the course of accomplishing black-white desegregation the conditions that affect Hispanics must be accorded similar weight. As one court has observed:

> (No) remedy for the dual system can be acceptable if it operates to deprive members of a third ethnic group of the benefits of equal educational opportunity — (T)o exclude Mexican American(s) from the benefits of tripartite integration in the very act of effecting a unitary system would be to provide Blacks with the benefit of integration while denying it to another . . . group on the basis of ethnic origin.[46]

"While Hispanic children are generally afflicted by the same segregated conditions as confront black children and have the same legal right to redress, they frequently have different perceptions about the advisability of pursuing the desegregation remedy. It is crucial to remember that minority groups are not fungible. While black, Hispanic, and Anglo children have many needs in common, ethnic group differences frequently will call for different educational strategies for the children of each group."[47]

The Panel Contributor continues:

"In attempting to explicate the Hispanic perception of desegregation, it is important to understand that "Hispanics" do not constitute a monolithic community. Puerto Ricans, Mexican Americans, and Cubans predominate in the United States. While each of these groups, as well as their brothers from other Latin American countries, share a language and many cultural similarities, they also bring with them differences derived from different experiences in their home countries. Of even greater importance, the Hispanic community is comprised of individuals with all the human differences that such implies. Thus, the attempt to describe an Hispanic perception must of necessity be somewhat flawed, just as such an effort to describe an Anglo or black perception of desegregation.

"While it is impossible to ascribe one mind set to all Hispanics with respect to desegregation there are some general perceptions that are common, if not universal. Most notable is a skepticism about the advisability of the desegregation strategy. It is important to understand what elements feed into this skepticism, for it should inform the development of public policy and define some research agendas. First, skepticism about the desegregation strategy is not, in most minds, opposition to integration. Most Hispanic parents and leaders would endorse the goal of integration, that is, having their children attend school with children of different racial and ethnic groups. What is questioned is whether the perceived social and educational costs of moving children from their home neighborhoods outweigh the projected benefits.

"Second, it seems to be universally agreed that parental involvement in schooling is an essential element in the educational process. If this is so, what are the consequences when a child is removed from his neighborhood and transported across town? Many parents and Hispanic leaders are fearful that such a program is bound to further minimize parental involvement in their children's education and thus to further rupture this essential element of the educational process. These fears do not seem fanciful. Poor, linguistically and culturally estranged parents have enough difficulty approaching a neighborhood school. What of the difficulty of dealing with a distant school which is hard, if not impossible, to reach and which

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[44] *Keyes v. School District #1, Denver*, 413 U.S. 189.

[45] Various cases have found school districts guilty of *de jure* segregation with respect to Chicanos, e.g., *Mendez v. Westminster School District*, 64 F. Supp. 544 (S.D. Cal. 1946), *aff'd.* 161 F.2d 744 (9th Cir. 1947); *Gonzalez v. Sheehy*, 196 F. Supp. 1004 (D. Ariz. 1971); *Cisneros v. Corpus Christi ISD*, 324 F. Supp. 599 (S.D. Tex. 1971), *aff'd. in part, mod. in part*, 467 F.2d 142 (5th Cir. 1972), *cert. denied*, 413 U.S. 920 (1972); *Morales v. Shannon*, 516 F.2d 411 (5th Cir. 1975). See also Wollenberg, "All Deliberate Speed: Segregation and Exclusion in California Schools 1885-1975, U. of Calif. Press, 1976.

[46] *Ross v. Eckles*, 486 F.2d 649, 650 (5th Cir. 1972).

[47] See, e.g., Cardenas & Cardenas, "Chicano — Bright-Eyed, Bilingual, Brown, and Beautiful," *Today's Education*, Feb., 1973.

most likely will not be as linguistically and culturally familiar and thus welcoming to the parent?

"A third frequently unstated reason for skepticism by Hispanic parents is the fear that it will hasten the breakup of the family structure. Integration promises to broaden the child by exposing him to other styles of life and other cultural values. For the Hispanic parent that poses the legitimate donger that the child will grow more familiar with and comfortable in the majority culture, and thus will reject his own background. For the Hispanic parent, frequently battling to maintain his own dignity in the face of an onslaught from the majority culture which implies its superiority, such a threat of rejection of culture represents a personal threat and a threat to the maintenance of a cohesive family.

"A fourth concern that has clouded the wisdom of desegregation for many Hispanics is the fate of bilingual programming in a desegregated system. While there appears to be ample evidence that the two are compatible, that evidence rarely finds its way into the hands of Hispanic communities; further, school officials who are hostile to desegregation seem to fan these fears in Hispanic communities.

"While most of the Hispanic community's concern about the fate of bilingual programming in a desegregated system springs from a lack of knowledge commonly nurtured by school authorities, there may be some additional reasons for concern. Many programs in segregated schools are supervised by Hispanic principals who are sympathetic to the children and the aims of the program. With desegregation, there is less likelihood that the all-important principal will be Hispanic or sympathetic. It is important that those implementing desegregation plans assure that programs be placed in schools in which principals are understanding of the goals of the program.

"A final source of concern in Hispanic communities is a perception that desegregation inevitably places an inequitable burden on minority communities. It is not uncommon to hear a parent or leader express the view that he is supportive of desegregation that is implemented equitably, but that 'We all know that only the blacks and Chicanos will be bused.'"

One other Panel Contributor addresses this issue by suggesting that bilingual and desegregation objectives can in fact be combined.[48]

"In its most general application, the Blingual Education Act places young children whose home language is Spanish in kindergarten and early primary grades where they learn to read in Spanish and the language of the classroom is Spanish. Then, by age 9 or 10, they commence learning English and reading and reciting in English.

"Thus it is clear that this requires a segregated classroom, separated from black and Anglo-white pupils whose home language is English.

"In Los Angeles, where public school pupils are 35 percent Hispanic, earnest attempts at integration of Hispanic classes at the K-6 levels with English-speaking classes encounter severe difficulties. In large Northern cities the Hispanic pupil enrollments are growing faster than the black or Anglo-white enrollments.

"This problem will increase in scope and numbers over at least the decade of the 1980s.

"There may be some advantages to mixing Anglo, black, and Hispanic students for at least most of the school day after about grade 4. At this grade level, the Hispanic students move from a predominant Spanish-speaking and reading curriculum to ESL (English as a Second Language). They may profit from being in classes with English-speaking age-mates, at least part of the time, since they will thus have models for pronunciation in English. At the same time, the Anglo and black students might gain some appreciation of the Spanish heritage from the history and social studies curriculum; and a few of them would want to learn Spanish."

[48]What follows is from the contribution of Robert J. Havighurst.

III

WHAT DISPARATE POSITIONS ARE HELD ABOUT *BROWN'S* CONTEMPORARY MEANING AND RELEVANCE BY THOSE CONCERNED WITH ACHIEVING SOCIAL JUSTICE?

Panel responses to Questions I and II have illuminated most of the disparate positions held about Brown's contemporary meaning and relevance. Answers to Question IV will further illuminate divergences among the Panel Contributors.

But it is important at this point not to overstate the discreteness of the differences. One big-city superintendent, upon reading an early draft of the report, commented, "The various positions identified represent conflicts within my own pscyhe." The issue, then, is one of value priorities among complementary and overlapping alternatives. These value priorities may be identified under four headings:

1) Anti-coercion

While favoring what they believe to be appropriate moves towards a desegregated and integrated society, some Panelists place their highest value upon the right of all parents to choose freely — and without racially oriented assignment or coercion — what schools their children will attend. They believe that desegregation by coercion tends to be counterproductive to ultimate integration, that it violates fundamental human rights, and that it is hostile to the underlying rationale of the 1954 Brown decision.

2) More Equitable Resource Allocations

Another group of Panelists places particular emphasis upon what they believe to be the political, social, and economic "realities." They believe that existing and prospective court orders and political initiatives for further desegregation will be attenuated and will still leave millions of minority children in segregated schools — particularly in central cities. Furthermore, even if the scattering of central-city minority pupils to white suburbs could be accomplished through metropolitanization, this, they contend, would place minority children in a uniformly minority position throughout a metropolitan area — heightening their sense of caste. This group believes that in the short run, priority must be given to increasing markedly the quality of facilities, teachers, and supervisory personnel available to ghetto schools. This, they believe, will increase the sense of dignity and pride felt by those locked into urban enclaves, and will ensure that markedly improved learning — the ultimate equalizer — will occur.

3) Desegregation

Those who put top emphasis upon desegregation believe that true equality will never happen without eliminating the pattern of one-race schooling that results from the continuing process of racial ghettoization; that "anti-coercion" is at best naive and ineffective; and that "more equitable resource allocations" makes sense only as one part of the remedial effort necessary to end racial ghettoization, but not as an end goal for a new "separate but equal" policy. American society will promote or countenance feet-dragging, non-compliance, and disorderliness unless Constitutional and legal mandates related to inequality are appropriately enforced. They agree with Charles S. Johnson when he wrote, "No one expects laws to reform the hearts of people, and this is not their purpose. They can, however, and do, according to the venerable Judge Learned Hand, control the disorderly, even at times at the

risk of making them angry." The desegregationists believe that a genuinely integrated society will promote racial equality and multi-cultural respect for all Americans.

4) Cultural Preservation

For the rapidly growing proportions of Hispanics and many others, the availability of superior ethnically sensitive educational programs, including bilingual-bicultural programs, is a matter of high priority. These persons would argue that ethnic scattering through desegregation policies, when implemented by an Anglo majority, frequently poses a major threat to these subcultures. For this reason, and those previously described in the section on Hispanics,

Again, the point must be stressed that edges of these sometimes overlapping circles are fuzzier than categorical prose can easily convey. Most Panelists believe that desegregation pressures and equalization pressures can and must go on simultaneously, that non-coercive experiments must accompany legal mandates, that bilingual/bicultural programs are in fact compatible with appropriately designed desegregation efforts. But to pretend that deeply held value divergences can be papered over by such references to possibly overlapping and possibly simultaneous attacks is to run the risk of trivializing expressed differences. The real question is, in view of limited national, state, local, and private resources, which of these disparate value priorities should assume saliency.

IV

WHAT ARE THE POLICY OPTIONS AHEAD IN IMPLEMENTING THE SPIRIT OF *BROWN*?

The Academy Panel Contributors are sophisticated enough to know that there is no single elixir which will cure the patent manifestations of continuing prejudice in our society. On this they are united. And there is general agreement about the sociological realities that policy therapies must address. One Panelist has summed up these realities under three stark subheads:[49]

The Sociological Realities

"A. *Migration of black and Hispanic people to the big cities.* During the 1950s and 1960s, there was an immense flow of low-income black and Hispanic people to the big cities, where economic and industrial growth provided good and plentiful job opportunities. The children of these people flooded into the public schools. By 1974, public school enrollment was greater than 50 percent black in Chicago, Philadelphia, Detroit, Baltimore, Cleveland, Washington, Memphis, St. Louis, New Orleans, Atlanta, and Oakland.

"At the same time, the Hispanic population was growing rapidly in many big cities, and actually exceeded Anglo-white and black school enrollments in Los Angeles and a number of southwestern cities as well as in Miami, Florida.

"The proportion of Anglo-white students in the public schools became less than one-third in Los Angeles, Chicago, Detroit, Baltimore, St. Louis, New Orleans, and Atlanta.

"Thus, the so-called minority groups became the majority in the public schools of most of the large cities.

"B. *Residential Segregation of Major Racial and Ethnic Groups.* This meant that local 'neighborhood' elementary schools were almost entirely made up of pupils who were 90 percent or more black, or Hispanic, or Anglo-white, or even Asian in some western cities. Unless deliberate desegregation programs were put into action, the number of elementary schools with students that approached the city-wide proportion was very small.

"Even the high schools were generally segregated, except for a few that specialized in certain vocational areas or in above-average academic performance and were open to city-wide enrollment.

"C. *Appearance of an Underclass in Concentrated Poverty Areas.* Before about 1970 it was customary to think and speak of the blacks in the U.S.A. as a rather homogeneous disadvantaged group that suffered discrimination and race prejudice. However, events of the 1950s and 1960s brought greater educational and economic opportunity to blacks, with consequent increase of income and occupational level compared with the nation as a whole.

"Social scientists noted this, and William Julius Wilson, black chairman of the Department of Sociology at the University of Chicago, published a book in 1978 entitled *The Declining Significance of Race: Blacks and Changing American Institutions.*[50] He noted that the percentage of black males employed as professional or technical workers increased from 1.8 percent in 1940 to 7 percent in 1970. Thus a black middle class is growing, making use of education to get greater income and power. However, there is a deepening social class

[49]What follows in quotes is from the contribution of Robert J. Havighurst.

[50]Wilson, William Julius. *The Declining Significance of Race: Blacks and Changing American Institutions.* Chicago: Univ. of Chicago Press, 1978.

division within the black community, with a large lower class which he calls a 'vast underclass of black proletarians,' who live in poverty-stricken ghettos. He writes: '. . . in a very real sense, the current problems of lower-class blacks are substantially related to fundamental structural changes in the economy. A history of discrimination and oppression created a huge black underclass, and the technological and economic revolutions have combined to insure it a permanent status.

"'As the black middle class rides on the wave of political and social changes, benefiting from the growth of employment opportunities in the growing corporate and government sectors of the economy, the black underclass falls behind the larger society in every conceivable respect.'

"Estimates of the size of the black underclass, who live in concentrated poverty in the big cities, have been made by several careful observers as perhaps ten or fifteen percent of the black city population. Their children need educational assistance that is different from simple desegregation."

Finally, in way of background, there is general agreement among Panel Contributors that recent court decisions and pending cases involving charges of "reverse discrimination" under Federal or State affirmative action or equal opportunity policies reflect what Charles Beard once called a "secular drift" of public opinion that, in the short-run at least, impedes dramatic progress in furthering equal opportunity.

If these are the realities, what are the major lines of policy attack in the future? Here, as one might expect from the previous discussion, the Panel divides. What is heartening is that these policy divisions are expressed in terms less stark than might be expected. And substantial agreement exists about the range of future policy options and attitudinal requirements — even if this agreement is tempered by a lack of sanguinity about the moral commitment of the nation or its leadership to move dramatically ahead at the present. In terms of saliency, two major policy directions seem to occupy the attention of Panel members: "Metropolitan School Desegregation" and "Improving Schools Where They Are."

Metropolitan School Desegregation

A number of Panel Contributors drew favorable attention to the Statement on Metropolitan School Desegregation of the United States Commission on Civil Rights issued in February, 1977. That Statement contains in its summary a short but eloquent defense of a metropolitan solution to the continuing problem of racial injustice in our large cities:[51]

"The migration of blacks and other minorities to the cities in search of opportunities and the suburbanization of whites has left the Nation with a new problem of racial separation — not merely segregated schools, but segregated school systems coexisting within the same metropolitan area. The problem is growing worse, not better. Despite increased mobility for some middle-class minority families, the continued and rapid migration of whites from cities to suburbs has resulted in heightened racial and economic separation. Increasingly, the boundaries between cities and suburbs have become not merely political dividing lines but barriers that separate people by race and economic class. Accordingly, the future of school desegregation in these large urban areas hinges upon whether the obligation to provide a remedy ends at the city line.

"In its first opinion on this issue, the Supreme Court posed a critical question: Whether the segregation that exists between cities and suburbs is the product principally of private residential choice or of policies of discrimination in which government has played an important role, or whether indeed the causes of such segregation are known at all. The Commission believes that the evidence on this question points to clear conclusions. The concentration of blacks and other minorities in the inner city is not in any significant measure the result of individual choice or even of income differences among the races. Rather, government at all levels has played a major role in creating racial ghettos and in excluding minorities from access to the suburban housing opportunities that government aid made possible. Although national policy has now changed to favor equal housing opportunity, government has yet to undo the damage that its policies have inflicted over the past century; indeed in some areas government agencies continue to be partners to racially discriminatory

[51] U.S. Commission on Civil Rights. *Statement on Metropolitan School Desegregation*. Washington, D.C.: The Commission, 1977.

activity. In short, children in metropolitan areas remain in racially isolated schools and housing because of policies of racial containment, policies to which government has contributed greatly.

"If we are correct in these conclusions, a metropolitan school desegregation remedy is required under the Constitution and applicable Supreme Court decisions. We have also become convinced that such a remedy is feasible and makes good educational sense. The objections that have been voiced about metropolitan desegregation, while stemming from genuine concerns, are not valid. Adequate educational structures exist for coping with the fiscal and administrative problems occasioned by school district reorganization. Methods also are available to decentralize decisionmaking in reorganized districts so that local control and the influence of parents on the educational process are preserved and even enhanced. And, contrary to general belief, the amount of busing required to accomplish metropolitan desegregation is not extensive when compared with busing for desegregation or other purposes *within* districts.

"Not only are the objections to metropolitan remedy unfounded, but desegregation on a metropolitan basis offers positive advantages. Education leaders long have called for cooperative endeavors in metropolitan areas to meet special educational needs on a more efficient basis. Metropolitan desegregation is consistent with and would facilitate these other desired educational goals. In addition, the experiences of urban counties such as Charlotte-Mecklenburg and Tampa-Hillsborough show that metropolitan plans can provide stability and educational advantages to all children. Such plans have proved far less divisive than those which place the entire burden of change on black and white working-class families in the inner city. Metropolitan school desegregation has been tried and it works."

One Panel Contributor further elaborates the importance of metropolitan solutions in the following words:[52]

"Metropolitan approaches are unique in that they allow a desegregation plan to maximize a series of desirable goals without the harsh trade-offs forced upon plans that are constrained by central city boundaries. Consider each of the goals in metropolitan perspective.

"*Optimal conditions for genuine integration and quality education.* At least ten school conditions appear to maximize the evolution of integration: (1) equal access to the school's resources; (2) cultural fairness; (3) classroom—not just school—desegregation; (4) avoidance of strict 'test-score grouping'; (5) maintenance and improvement of services; (6) initiation of desegregation in the early grades; (7) consistent school feeder patterns that keep desegregated classes together; (8) interethnic staffs; (9) substantial, rather than token, minority student percentages; and (10) minimal confounding of race and socio-economic class.

"A number of these factors are easier to achieve with a metropolitan approach. For example, the 'maintenance and improvement of services' is rendered more feasible by a broader tax base. Similarly, 'substantial, rather than token, minority (and majority) student percentages' become possible. Many suburban school districts have only token numbers, if any, of minority pupils. Metropolitanization, in pooling the enrollments, not only generally leads to appropriate percentages of students by group but often also stabilizes demographic trends.

"*Cost efficient.* Metropolitan approaches to public education, apart from their beneficial intergroup effects, are a major means of achieving cost efficiency. This advantage becomes even more important in a period of low birth rates and declining school enrollments. Wasteful duplication across adjacent districts is common, and such anomalies abound as schools being closed a few miles away from overcrowded schools on double-sessions in another district. Not surprisingly, then, Florida has only countywide school districts largely for cost efficiency, not intergroup, reasons.

"*Efficient transportation.* One of the means by which metropolitan approaches contribute to cost efficiency is by minimizing pupil transportation while maximizing school desegregation. Hence, the metropolitan desegregation plan proposed for Richmond, Virginia (but denied by the U.S. Fourth Circuit Court of Appeals), for example, would have thoroughly desegregated a two-county and central city area *and* reduced student transportation

[52]What follows is from the contribution of Thomas F. Pettigrew.

significantly.[53] Likewise, in Charlotte-Mecklenburg, the countywide plan approved by the U.S. Supreme Court completely desegregated the full county area and reduced busing times that prevailed before segregation.[54] This advantage of metropolitan solutions would also hold for most urban areas in the North; but there would not be, as in Charlotte, less busing than at present since, unlike North Carolina, there are so few intra-district desegregation programs already under way. This advantage is especially maximized by long and narrowly shaped central city school districts, such as Los Angeles, a shape that is optimal for cooperation with suburban school districts.

Equity. Metropolitan approaches can also contribute to greater equity for both majority and minority families. Usually minority concentrations in the core cities are nearer to majority concentrations in the suburbs than they are to majority areas in the core city itself. Intra-district plans, therefore, often expand busing and school coordination unnecessarily. Why, for instance, should Anglo children in Los Angeles who reside in the far western reaches of the San Fernando Valley be paired with Hispanic children 25 miles or more away in East Los Angeles when ample Anglo children live within ten miles of East Los Angeles in such suburbs as Burbank, Glendale, South Pasadena, San Marino, and Temple City that boast little or no school desegregation? It is precisely such inequities of intra-district plans that metropolitan approaches can eliminate.

Choice. This desirable goal can be enhanced by a carefully planned metropolitan solution via a number of means. Specialized schools and programs that attempt to act as voluntary 'magnets' are more feasible under metropolitanism for two reasons. The broader tax base allows for a greater number and range of such schools and programs. And the much broader enrollment base lends greater viability to this approach — an important point when one considers the general lack of success of 'magnet' schools in their intra-district application.

Choice can also be furthered through exemptions for stable integrated neighborhoods. Though it is usually too constraining on the total system to allow such blanket exemptions when the desegregation program is confined to the central district, these residential exemptions become feasible in most metropolitan efforts. By allowing naturally mixed areas to utilize local schools without busing, choice is enlarged for families through residential rather than directly educational decisions. Hence, an overwhelmingly majority neighborhood that attracted new minority neighbors would become eligible. More difficult but also eligible, of course, would be minority areas that attracted majority neighbors. Moreover, families of any group that moved to a mixed area would become eligible. An incentive is thus provided for intergroup living, a rare phenomenon in the American housing market. And there have been indirect indications that such an incentive might well be substantial for generating change in racial residential patterns.

Stability. We have noted that metropolitan solutions help achieve long-term stability by deterring the 'hastening-up' of 'white flight.' But they also contribute to short-term stability. When citizens regard a social alteration as merely partial or temporary, they are understandably less willing to commit themselves to its implementation and success. Such is likely to be the case with an intra-district plan for a core city district without any prospect of later expansion to the suburbs.

In addition, both long-run and short-run stability depend on affected families being certain as to what to expect in the future from the program. Over the past generation in America, at least as much resistance to public school desegregation has been generated by uncertainty and fear as it has been by beliefs that could fairly be labeled as 'racist.' Metropolitan approaches, conducted properly, can allay such uncertainty and fear by allowing promises to be made to parents and children that can be kept in the future far beyond those possible in a constrained, intra-district plan.

Finally, there are three persistent and interrelated misconceptions about metropolitan approaches to school desegregation. The basic misconception is that such approaches

[53] *Bradley v. School Board of the City of Richmond*, 338 F. Supp. 67 (E.D. Va.), *Reviewed*, 462 F.2d 1058 (4th Cir. 1972), *Affirmed by an Equally Divided Court Sub. Nom. School Board of the City of Richmond v. State Board of Education*, 412 U.S. 92 (1973); and T. Pettigrew, "A Sociological View of the Post-*Bradley* Era," *Wayne Law Review*, March 1975, 21, 813-832.

[54] W.L. Taylor, "Metropolitan Remedies for Public School Discrimination: The Neglected Option." In National Institute of Education, *School Desegregation in Metropolitan Areas: Choices and Prospects*. Washington, D.C.: U.S. Department of Health, Education, and Welfare, October 1977, pp. 118-19.

necessarily entail one mammoth school district that covers the entire Standard Metropolitan Statistical Area (SMSA) and more. Premised on this mistaken notion, there are the additional fears that such approaches invariably require massive amounts of pupil busing and usurp all local educational authority. Let us briefly consider these points in turn.

"Throughout we have referred to metropolitan 'approaches' and 'solutions'; no mention of a single, suprametropolitan school district has been or needs to be made. All that is necessary to gain the benefits of a metropolitan solution is to prevent the present, artificial boundaries of the central city districts from serving as an impenetrable 'Berlin wall,' shutting off cooperation between a predominantly minority system within and a predominantly majority system without. In systems terms, these district boundaries are currently acting as a powerful constraint that prevents a rational, efficient, equitable, and stable solution to the problems of urban school segregation. Metropolitan benefits flow from effectively eradicating this constraint.

"This perspective differs sharply from popular misconceptions about metropolitan education. Understandably, the successful metropolitan school systems of Jacksonville, Miami, Tampa, Nashville, Charlotte, and other areas have led the public to equate metropolitan efforts with large-scale consolidation. Yet this is not at all a necessary direction of metropolitan efforts. In the metropolitan plan for the Richmond, Virginia area, seven individual districts were proposed, each *smaller* than the smallest of the three existing districts. What made it possible for this plan to desegregate the entire area thoroughly with a reduction in student transportation was that the new, smaller districts cross-cut the old district boundaries in strategic ways to allow efficient mixtures of black and white children.

"It is important to correct this prevalent misconception of metropolitan efforts as necessarily leading to bigness. Many astute observers believe that many central city school districts are already too large today to be as responsive and efficient as they should be. From this vantage point, metropolitan efforts present a rare opportunity to create sub-regional districts smaller than the present day core districts.

"We have already seen that the far greater efficiency of student transportation made possible by metropolitan approaches modifies the fear of massive busing and of long rides across much of the SMSA. Likewise, the fear that all local education authority is necessarily lost can be at least partially allayed. When metropolitan solutions go toward smaller, more manageable sub-regional districts, a great variety of arrangements for governance and financing is possible. Many of these arrangements allow for considerable input from present school boards. At a central level, of course, the state must have ultimate responsibility for the smooth operation of the metropolitan sub-regional confederations. And, of course, any of these arrangements will constrain some of the present authority of local boards. But the fearful vision of a behemoth district with an impenetrable bureaucracy and no local control whatsoever clearly need not and should not be allowed to result from metropolitan efforts."

The importance of metropolitan-wide solutions is agreed to by a broad range of Panel Contributors. But while some would want to go in the direction marked out by the Detroit plan that the Supreme Court did not accept, and the Louisville and Wilmington plans it has allowed to go forward, others would emphasize voluntary programs to achieve a greater measure of metropolitan desegregation. Thus one Panel Contributor argues for the opportunity of both black and white children to choose desegregated settings, whether in their own school districts, or in adjacent school districts.[55]

"The 'voluntary' in voluntary programs for metropolitan desegregation refers to the choices of the *school children*, not the choices of *suburban school districts* as to whether or not they will participate in a metropolitan desegregation plan. In some present cases, their participation is voluntary (e.g., METCO in the Boston metropolitan area). In Wisconsin, by contrast, the state legislature requires districts to consider participating in interdistrict transfers initiated by the student and his family. Voluntary metropolitan desegregation could be assisted by incentives to school children and their families to choose better integrated settings, or by incentives to school districts to participate. They should include programs for the judicious development and placement of magnet schools to increase desegregation.

"It is understood by its proponents that voluntary metropolitan desegregation does not place every black child in a white majority school. Indeed, they see this as a mistaken con-

[55]What follows in quotes is from the contribution of Nathan Glazer.

ception of the goal of *Brown*. Rather, every black child who wishes to be in a white majority school could make that choice. Many questions would have to be answered in instituting a voluntary metropolitan desegregation plan. How does one conduct school planning in a situation in which school children can choose schools in other districts? If many blacks choose suburban majority white schools, and few whites — at least at the beginning — choose inner-city majority-black schools, what is to be the fate of under-used inner-city schools? What is the effect of withdrawal of black children from inner-city schools on those who are left behind?

"However these questions are answered, proponents of voluntary metropolitan desegregation argue such a program is in the spirit of *Brown* — that is, it opens equality of educational opportunity to black children."

Desegregation of Medium-Sized Towns[56]

"While most recent attention has focused on the difficulties of integrating the major urban centers, such should not blind us to the fact that segregation is still existent in many small- and medium-sized districts with substantial white/Anglo majorities. Many of these districts are in the Southwest and Midwest. Traditional remedies are available in these districts. Furthermore, due to the relative ease of desegregation, much of the anguish and opposition to desegregation found in the urban setting can be expected to be moderated."

Improve Schools Where They Are

Panelists who believe that the most important policy salient for the immediate future is to equalize educational resources and to improve the quality of education in schools wherever they are, especially including within big cities, are generally not opposed to further efforts aimed at desegregation — metropolitan or within urban school districts. But they do believe that in the present judicial, political, and public climate, such efforts are bound to be attenuated to the point where their ultimate success will be irrelevant to generations of young people that are locked for decades ahead into urban ghettos. Therefore, they believe that the crucial immediate need is to improve the quality of education in ghettoed schools.

One Panel Contributor writes:[57] "As we approach a new decade where public education will not enjoy the place of priority that it held 25 years ago, we are going to see the fight for the diminishing supply of resources intensified between the haves and have-nots, between whites and the minorities, among the several minority groups and between all of these and the new class of minorities, e.g., women and the handicapped. A major policy issue for the 1980s and beyond will deal with the criteria for the division of educational resources among those communities of people.

"As the passage of time moves us further and further away from May of 1954, the memories of blatant racial discrimination and blatant denials of opportunities for blacks will fade and assume little or no significance. Overcoming past acts of discrimination or compensating for previous unconstitutional actions will certainly not be an issue with the 30-40-year-old white educational policy-maker in the decade of the 1980s. And, most important, substantial numbers of black youngsters will spend their entire educational career (however that might look) in all-black learning situations, just as they did in the decades of the 1960s and 1970s.

"It is a fact that 'neighborhood planning' is here to stay in America because there is a growing belief in the neighborhood; not just neighborhood schools, but neighborhood development of all kinds: health care, recreation, police and fire protection, and the like. The City of Atlanta has officially adopted a strategy of renewal, regrowth, and redevelopment through *neighborhood development* and planning.

"I submit that a major policy implication for the future is to remove the stigma of the inferiority attached to black schools that is now not as a result of *Plessy*, but is rather a result of what I consider to be misinterpretation of *Brown*. In Assistant Secretary Berry's letter she raised an issue of concern about the effects of *Brown* and subsequent developments on self-perceptions of minority students. At this point in time it is not so much the students' self-perceptions that concern me, it is more the perception that others have of black students,

[56]What follows is the joint contribution of Leo Estrada and Peter Roos.

[57]What follows in quotes is from the contribution of Ruby G. Martin.

especially black students in all or majority black schools. Policy-makers who make decisions in the belief that all children in all black schools are poor, disadvantaged, and unwilling or unable to learn, teachers who have little or no expectations of these youngsters and the like, are of the greatest concern for the decade of the 1980s.'

"A major policy issue for the 1980s and beyond will most certainly be the matter of examining, politically, socially and morally, the question of 'what is equal access.' In my view, the road that must be traveled to provide quality education and a quality life for minority youngsters must have multiple lanes and as a Nation we must travel them all at the same time, and at the same rate of speed. All of these lanes will, at times, be rocky and have lots of curves and dips. Some will have detours and some are going to come to a dead-end, suddenly and without any warning.

"Gwendolyn M. Mikell summarized the danger of single option approaches and strategies in her paper on the 25th Anniversary of *Brown* when she said:

> If the seriousness of the federal commitment to equal opportunity is measured by the dollars which are spent and the federal programs which are enacted to guarantee *excellence* in criteria and teaching in ghetto schools, then the low federal expenditures in this area do indeed indicate a lack of commitment. If busing is taken as an index of seriousness about equal access, then the continual "tack-on" of anti-busing riders to legislation — thus preventing significant federal support for busing — also gives weight to assertions of insufficient commitment to desegregation as the approach to equal access. While integration may be the ideal, the reticence within the executive branch (and the legislative and judicial branches as well) about "busing" deepens the doubt that there is support for the "tool" with which equal access may be achieved.[58]

"It seems to me that the rapid erosion of *Brown*, which began almost immediately after the decision, must be dealt with in a number of different ways, and on a number of different fronts. There is no value in a 'consistent' minority position or approach. The position and the approach must seek to match the particular issue to be addressed. In the final analysis, empowering poor people and minority groups with the tools and resources to effectively affect education policy-making may be the most lasting legacy of *Brown*."

Another Panel Contributor puts the issue this way:[59] "I believe however that the spirit of *Brown* is not violated if an alternative process is envisaged. Suppose it is determined that quality education is a highly desirable good, that parents will go after such quality by moving close to the point of consumption of such a good, then it becomes possible to think of racial policy in public education in different terms. If quality education in predominantly black schools is at least as great as that in predominantly white schools, one would likely see a shift, purely voluntary, of white students into what used to be black schools, and the cost of upgrading black schools could very well be financed out of funds now expended in directions which can be easily circumvented. If the picture that emerges is one of 'separate but equal,' as some may choose to call it, let them be reminded that such a policy is purely transitional, and in no sense less so, than the present policy of pupil assignment to achieve racial balance. The end result should not be lost sight of, namely a truly desegregated society. Present policy has not yet served to reassure us that the end will be achieved along present lines.

"So the policy options that lie ahead which would be consistent with the true spirit of *Brown* require for their explication more realistic models of the underlying social processes; they require for their implementation research which will quantify the magnitudes of the relevant response mechanisms at work, however in a policy framework; and they suggest that as long as reasonable freedom of movement exists, we might minimize the costs of achieving true desegregation if we recognize the inherent superiority, under such circumstances, of freedom of choice. Perhaps, Atlanta has the real answer to the fundamental question and import of *Brown*. Perhaps also, we already have the makings of a new thrust in public school desegregation policy in the form of the magnet school. At any rate, we already know that quality public education is an extremely desirable commodity, and the spirit of

[58] "*Brown v. Board of Education*, 25 Years Toward Equal Educational Opportunity." An Educational Staff Seminar forum to assess equality of educational opportunity (1979).

[59] What follows in quotes is from the contribution of Lascelles Anderson.

Brown is not incompatible with these experiments. On the other hand to pursue policy which at one and the same time tries to desegregate, but funds activities which are designed to alleviate pervasive aspects of disadvantage as long as the absolute expression of such disadvantage is identified with racial impactation, is to engage in a not insignificant degree of policy contradiction.

"*Brown* is clearly in need of renewed interpretation. Perhaps these difficulties of current policy, and problems of research ostensibly designed to inform such policy, constitute a loud and clear call to the need for radical updating."

One Panel Contributor believes that under the rubric of "Improving Schools Where They Are," the following points should be stressed:[60]

"1. The great need is to bring parents and the neighboring community in closer relation with the school. The support of the home is especially needed if children are to learn well in the school. New resources for the schools should be used to find ways in which the home and the school can relate to each other from the early years of preschool education through the elementary and secondary level.

"2. It should be recognized that schools undergoing great change in school composition need the *best* administrators, the *best* teachers, and *additional* funds, if they are to succeed!

"3. Saturday Schools and Summer Schools may be especially important for children who are having learning difficulty. Additional funds and special staff should be appointed to help children with very specific learning conditions — appropriate to the needs of the children. Additional ways of increasing the time and special conditions for learning should be explored and evaluated.

"4. Changes in attitudes, human relations between groups, and cognitive learning largely take place in the classroom — if they take place at all. *Integration* as a ratio of majority to minority students in the school has little to do with providing equality of opportunities for black and white children. It is the extent to which students of both groups are brought together in the classroom as well as other facilities in the school. It is hoped that research and priorities in the future will concern themselves with a more realistic measure of integration than simply numerical ratios.

"5. The recent interest in setting academic standards in terms of minimum competency requirements for graduation is a development which may be the basis for insuring that most students reach particular standards of learning at various earlier grade points in the school system. If such standards can be achieved at each target point, this can be one of the more effective methods of insuring that blacks as well as whites do learn more effectively. If such minimum standards can be related to the optimal standards as well as optimal learning conditions, then most children can be brought up to the best that the public educational system can offer.

"6. In each community there should be schools which include special subjects, special learning conditions, and unusually skilled teachers and administrators. These should be available as special opportunity schools for all children in the community. Procedures for selecting and admitting students to such schools should be made to insure that these do not become segregated schools."

Other Policy Fronts

To pretend that either metropolitan desegregation or improving schools where they are will effectively implement the spirit of Brown, *is, in the eyes of most Panel Contributors, simplistic and naive. The range of things that need to be done to carry out the spirit of* Brown *is formidable. One Panel Contributor sums up the larger agenda as follows:*[61]

"In my view the basic policy issue is simple: Do we, as a nation, find ways to end the ghettoization of black Americans inherent in the continuing and unique racial segregation (which both results from racial discrimination and perpetuates the historic caste system and racial prejudice)? Do we complete the racial revolution that was symbolized and catalyzed in important part by *Brown* or simply declare the revolution at an end (whether by falsely declaring victory, admitting defeat, or even rewriting the meaning of *Brown*)? For me, an-

[60]What follows in quotes is from the contribution of Benjamin Bloom.

[61]What follows is from the contribution of Paul Dimond.

swering that basic policy issue still remains easy: we must first recognize and confront the still continuing racial caste system lest the racial revolution sparked by *Brown* run aground in midstream and the process of racial ghettoization continue to divide this nation on a racial basis.

"If that basic policy decision is accepted and fully explained to the American people, there will be a broad range of policy options that can be fully considered. These policy options must be evaluated in the context of what Gunnar Myrdahl described as the 'unity' of America's racial discrimination, segregation, and inequality in schools, housing, jobs, income, wealth, power, etc. Thus, it would be a mistake to rely solely or primarily on any single remedial strategy alone, be it school or housing desegregation, or public and private plant relocation, or employment discrimination, or urban renaissance, or newly subsidized or insured integrated housing and plants, etc. It would be just as tragic a mistake to foreclose use of any single strategy, including particularly actual school desegregation as the remedy to end basically dual schooling. The available strategies must therefore be pursued together, with an understanding of their interrelationship and the depth and breadth of the continuing color line in America for most blacks and whites. The new opportunities to confront this racial caste system must also be considered and utilized to advantage. For example, in the new migrations out of the North to the South and West (by blacks as well as whites), and out of established SMSA's to newer SMSA's and exurban areas (thus far primarily by whites) is there a coordinate way to encourage genuinetly multi-racial participation and integrated schools, housing, jobs, and politics through the variety of public and private tools available? If so, will these migrations alleviate the intractable nature of racial segregation in established metropolitan areas through encouraging whites, amenities, and wealth to relocate on an integrated basis in less populated central cities and blacks, in increasingly competitive and perhaps thereby more 'open' suburbs that have previously been identifiably for 'whites only.' For another example, how can government, industry, and labor build upon the many desegregated Southern (and some Northern) school systems (often area-wide in jurisdiction) to provide for housing integration and an alternative to racial ghettoization in all of the non-school aspects of the local metropolitan life? For another example, how can the area-wide authority of the U.S. Department of Housing and Urban Development, the Department of Transportation, the Environmental Protection Agency, the Department of Defense, HEW, and the Department of Treasury be coordinated and exercised to place the weight of federal incentives and benefits on the side of ending rather than continuing racial ghettoization within and without metropolitan areas that are largely fragmented by racially identifiable local jurisdictions, particularly as one part of the national response to the energy, environmental, and inflationary crunches?"

Whatever the policy alternatives ahead, one Panel Contributor reminds us that the courts have accepted too great a burden, local communities too little a burden. He writes:[62] "From my point of view, public opinion is largely set against forced desegregation. The courts are embattled and somewhat fatigued by the unending litigation. My sense is that the courts are uncomfortable in the role of implementing desegregation plans. School boards spend their energies fighting the courts rather than working cooperatively with the courts. The citizenry is concerned about the role of government and parents are concerned about the time that children might have to spend on buses or how quickly they can get to them in case of an emergency. Overall, *Brown* seems to have resulted in a situation where school boards feel free to resist integration, preferring to let the courts make the decisions and take the brunt of the criticism. If *Brown* has failed us, it is only in not having made local communities responsible for implementing desegregation. By this I refer to parents, students, teachers, and school officials. Somehow, everything seems to focus upon the courts and to place these decisions outside the community. To the extent that the community does not feel any responsibility for the decisions made, there can be little doubt that resistance will continue to grow."

There are, of course, a number of on-going community initiatives. One Panel Contributor writes:[63] "The creation of racially integrated neighborhood communities within walking distance or short bus rides from the downtown areas of the largest cities is now a reality in several American cities. Chicago is an example, with its Dearborn Park project, only 10

[62] What follows is from the contribution of Leo Estrada.

[63] What follows is from the contribution of Robert J. Havighurst.

minutes walk south of the center of downtown Chicago. This is being done for business reasons by the commercial and business leaders of Chicago, with plans for rebuilding sections of the Chicago Loop, and other areas within short distances."

These then, are among the policy issues that must be considered in order to implement the spirit of Brown. One Panel Contributor suggests that[64] "on the 25th Anniversary of *Brown*, it would be appropriate for President Carter to remind the Nation of the fundamental meaning of *Brown* (neither to rewrite it nor to bury it); to remind the Nation of how far we have come and how far we yet have to go in eradicating the *caste* system struck down by *Brown* in principle; and to explain to the Nation the nature of the new opportunities and the real challenges ahead if we are to confront directly and eventually to break the color line. With such Presidential commitment and leadership (and a coordinated rather than balkanized approach to these issues by the various federal agencies in the context of the changing national circumstances), the Congress, the States, the localities, the school districts, business and labor, and the people might begin to respond more affirmatively. At the very least, such a 25th Anniversary celebration would change the terms of the political debate from 'forced integration,' 'forced busing,' 'ethnic choice,' and 'neighborhood purity' to the wrong of continued racial segregation and discrimination, the extent of continuing racial inequality, and the fact of a continuing racial caste system through the process of racial ghettoization."

With this prose, the Panel Contributors come closer to agreement. For no matter how one interprets Brown *— the decision itself, its implementation, or its policy implications for the future — all Panel Contributors understand full well that the battle is far from over, that new initiatives are needed, that top-side moral and political leadership is imperative.*

Possible Consensual Policy Directions for Public Authorities

With all of the divisions among the Panel Contributors, are there any agreements that might indicate policy directions for relevant public authorities? The rapporteur senses near agreement on many issues, but he is loath to assign such agreement unilaterally. In any complex area of social policy where passions are strong, minefields of attitudinal subtleties and hidden code words are bound to exist. The rapporteur has no desire to stumble over tripwires by attributing to Panel Contributors a commitment they have not in fact made to precise wording. The following items, then, reflect not a unanimous vote of Panel Contributors, but the rapporteur's intuition of near-consensual points of view which seem to have emerged in the Contributors' papers and in the Panel discussions of March 15th and May 4th.

- *There seems to be agreement about the need for the President and other national leaders to remind all American citizens of the continuing, baneful effect of prejudice upon domestic tranquility, the nation's economic strength, and national self-respect.*
- *There seems to be a widely shared hope that State and local political agencies and governmental jurisdictions might increase their share of tough-minded responsibility for negotiating and settling problems of discrimination and segregation — giving both courts and the Federal executive branch some relief from the impossible enforcement burdens they presently carry.*
- *There seems to be a belief that efforts must be made to improve schools and schooling wherever they are, whether or not desegregation is hurried or slowed; and that various tax-reform and other Federal, State, and local finance measures must not be used to decimate educational services.*
- *There appears to be a conviction that minority children, given appropriate surroundings and pedagogy, can learn quite as effectively as majority children, and that this reality must be internalized by teachers, administrators, parents, and political authorities everywhere.*
- *There appears to be a sense that the metropolitan areas of large cities must comprise the framework for solving many of the remaining problems of discrimination and lack of equal educational opportunity in our society.*
- *There seems to be a hope that what is becoming an increasing in-migration to the city may serve as an important lever in improving and desegregating city schools.*
- *There appears to be a belief that public policies dealing with housing, employment, inflation, health, and welfare must supplement educational programs in addressing the future*

[64] What follows is from the contribution of Paul Dimond.

implications of the Brown decision.

- *There seems to be consensus on the need for a new research agenda — an agenda that must necessarily involve the commitment of public funds. One Contributor suggests the following questions:*[65]

"(1) How can we harness the process of achieving integrated schools as a force for positive educational change?
"(2) What instructional techniques and procedures can avoid the need for ability grouping and other practices which lead to resegregation (such as the disproportionate impact of suspensions and expulsions on minority students), yet improve achievement levels and racial attitudes?
"(3) What classroom techniques can encourage children to work together and treat each other as equals?
"(4) What kinds of teaching approaches and curriculum designs are particularly suited to a desegregated setting?
"(5) What kinds of retraining and other assistance do teachers need?
"(6) How can the declining enrollments and fiscal retrenchment be used creatively to maximize desegregation? (One suggestion that has been made is to encourage white suburban communities, faced with losing their schools, to desegregate with the incentive that if they attract enough minority students from the city school district, they may keep their schools and teachers operating.)
"(7) How can cultural identity and language be maintained while ending ethnic isolation?
"(8) What instructional practices can meet the objectives of providing quality education for all ability levels without resulting in resegregated classes?
"(9) How can minimal competency requirements be designed to avoid a two-class, segregated system?
"(10) What information or techniques would change behaviors to lessen white flight?
"(11) What can be done to increase the opportunity for metropolitan-wide desegregation in the face of *Milliken v. Bradley*?
"(12) What efforts can be undertaken to reduce social and economic isolation?"

The Moral Imperative

All Panel Contributors in one way or another emphasize the moral imperative for continuing concern and action. One member sums up the underlying reality and the essence of Brown in a particularly moving way. Her language serves as a fitting conclusion to this essay.[66]

"Dismantling the legal apparatus of racism was the first, not the last, shot in our struggle to achieve a just society. The oppressive laws were not just accidents, they were the products of people's beliefs. The laws might be struck down by nine men in the nation's capital, but the beliefs that had given rise to those laws could not be dislodged by anyone's pen stroke. Those beliefs continue to be widely held. The animus of whites towards blacks, and the wounds — both old and fresh — that blacks bear because of the animus, together constitute a persistent and thus far unbreakable barrier to the attainment of domestic tranquility for ourselves and our children.

"But no matter how imperfect our present social condition, only the meanest of spirits and the shortest of memories would permit draining the *Brown* decision of its significance and of its glory, twenty-five years after. That the road ahead remains long cannot be an excuse for refusing to celebrate those who have brought us this far.

"Today is not much different from yesterday, and tomorrow will be about the same. To measure change by the short interval is to invite despair and to corrode the human spirit. If we are willing to look further back from whence we have come, then it will be seen that men can move mountains. If Thurgood Marshall, Robert Carter, Spottswood Robinson, Louis Redding, and Jack Greenberg, the lawyers who argued for Linda Brown and the other blacks in

[65] What follows in quotes is from the contribution of Besty Levin.
[66] What follows is from the contribution of Lois D. Rice and her husband Alfred B. Fitt.

the 1954 school desegregation cases, could — as so clearly they did — tear down a mountain, then who is to show that today's mountains are somehow beyond leveling and today's men and women less brave, less persistent, and less likely to push us along the way to a just society?

"There is, of course, less high drama a quarter century after *Brown*. Racism was in many respects an easier target when it was written down by legislatures or expressed by sheriffs with cattle prods and high pressure water hoses. These days we must plod along without the sound of trumpet to inspire and sustain us, for official racial discrimination no longer has respected defenders in our society.

"But the enemy remains the same as it was twenty-five years ago, and the public schools continue to be the most critical agent both for the enforcement of racism and for its ultimate rout. We are often told we ask too much of the public schools, that they cannot reverse the spiral down which black families are pushed by racism's mean and relentless pressures. Yet we know it is the schools that most prepare black children for colleges, and that only through higher education will those children be enabled in time to break racism's hold on white society, to gain the day when black Americans will simply be Americans, nothing more and nothing less. So whatever counsels of despair we may hear about the public schools, we must not let them prevail. Instead, we must listen for the distant trumpet sounded in *Brown v. Board of Education*; its wondrous echoes still reverberate in every corner of our land."

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